



**AGENDA
PLANNING & ZONING COMMISSION MEETING
CITY OF LEANDER, TEXAS**

Pat Bryson Municipal Hall
201 North Brushy Street - Leander, Texas
Thursday, December 12, 2024
Regular Meeting at 6:00 PM



**Place 1 – Donnie Mahan
Place 2 – Joseph Morales
Place 3 – Ron May
Place 4 – Tara LeDay**

**Place 5 – James Oliver, Chair
Place 6 – Laura Lantrip
Place 7 – Scott Calame, Vice Chair
Staff Liaison – Robin Griffin**

The meeting will also be live-streamed at the following link: <https://www.leandertx.gov/video>.

REGULAR MEETING

1. Call to Order.
2. Roll Call.
3. Director's report to the Planning & Zoning Commission on action taken by City Council on the December 5, 2024 meeting.
4. Review of meeting protocol.
5. Public comments on items not listed in the agenda.

Public comments on items listed in the agenda will be heard at the time each item is discussed.

[All comments are limited to no more than 3 minutes (6 minutes if translation is needed) per individual.]

6. Review Board and Commission Reference Book.

CONSENT AGENDA: ACTION

7. Approval of the minutes for meeting held on November 26, 2024.
8. Approval of the Site Development and Dry Utility Application Forms pursuant to Article IX, Section 3 (a) (1) (iii). of the Composite Zoning Ordinance; Leander, Williamson & Travis Counties, Texas.

PUBLIC HEARING: ACTION

9. Conduct a Public Hearing and consider action regarding Zoning Case Z-24-0144 to amend the current zoning of PAG Leander H1 PUD (Planned Unit Development) with the base zoning district of GC-4-A (General Commercial) to allow for an automobile dealership with unlimited outdoor storage on Lot 2, Block B of the PAG Leander H1 Subdivision on one (1) parcel of land approximately 13.342 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R461858; and more commonly known as 9480 183A Toll Road, Leander, Williamson County, Texas.

- Discuss and consider action regarding Zoning Case Z-24-0144 as described above.

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

10. Conduct a Public Hearing and consider action regarding Ordinance Case OR-24-0024 to amend the Composite Zoning Ordinance to adopt updates to Article IV regarding Wireless Communications Facilities, and to provide for related matters; Williamson & Travis Counties, Texas. Applicant: City of Leander.

- Discuss and consider action regarding Ordinance Case OR-24-0024 as described above.

- a. Staff Presentation
- b. Open Public Hearing
- c. Close Public Hearing
- d. Discussion
- e. Consider Action

REGULAR AGENDA

11. Adjournment

CERTIFICATION

The City of Leander is committed to compliance with the American with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please call the City Secretary at (512) 528-2743 for information. Hearing impaired or speech disabled persons equipped with telecommunication devices for the deaf may call (512) 528-2800. I certify that the above agenda for this meeting of the Planning and Zoning Commission of the City of Leander, Texas, was posted on the bulletin board at City Hall in Leander, Texas, on the 8th day of December 2024 by 5:00 p.m. pursuant to Chapter 551 of the Texas Government Code.



Veronica Tovar, Secretary



EXECUTIVE SUMMARY
12/12/2024

AGENDA SUBJECT:

Approval of the minutes for meeting held on November 26, 2024.

BACKGROUND:

HISTORY/TIMELINE:

APPLICANT/AGENT:

RECOMMENDATION:

Staff recommends approval of minutes.

PRESENTER:

Veronica Tovar, Planning Coordinator

Attachments:

1. 11-26-2024 P & Z Minutes



**MINUTES
PLANNING & ZONING COMMISSION MEETING
CITY OF LEANDER, TEXAS**

Pat Bryson Municipal Hall
201 North Brushy Street - Leander, Texas
Tuesday, November 26, 2024
Regular Meeting at 6:00 PM



**Place 1 – Donnie Mahan
Place 2 – Joseph Morales
Place 3 – Ron May
Place 4 – Tara LeDay**

**Place 5 – James Oliver, Chair
Place 6 – Laura Lantrip
Place 7 – Scott Calame, Vice-Chair
Staff Liaison – Robin Griffin**

REGULAR MEETING

1. Call to Order.
Meeting was called to order at 6:00 p.m.
2. Roll Call.
All commissioners present except Commissioner Joseph Morales and Commissioner Tara LeDay.
3. Director's report to the Planning & Zoning Commission on action taken by City Council on the November 21, 2024 meeting.
4. Review of meeting protocol.
5. Public comments on items not listed in the agenda.

Public comments on items listed in the agenda will be heard at the time each item is discussed.

[All comments are limited to no more than 3 minutes (6 minutes if translation is needed) per individual.]

No one wished to speak.

CONSENT AGENDA: ACTION

Motion to approve Consent Agenda Item # 6.

6. Approval of the minutes for meeting held on November 14, 2024.

By: Board Member Calame
Seconded: Board Member May

Vote: 5 - 0 None

REGULAR AGENDA

7. Discuss and consider action regarding Zoning Case Z-24-0118 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to adopt the High Gabriel Township PUD (Planned Unit Development) with the base zoning district of SFS-2-B (Single-Family Suburban) on two (2) parcels of land approximately 12.75 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R362129 and R032227; and generally located south of High Gabriel East, approximately 1,100 feet east of US 183, Leander, Williamson County, Texas.

Spoke in opposition to the request:

Sarah Johnson, 727 Riva Ridge, Leander, Texas 78641

Faith Johnson, 727 Riva Ridge, Leander, Texas 78641

Jeff Moore, 727 Riva Ridge, Leander, Texas 78641

Motion to approve Zoning Case Z-24-0118, following a discussion.

By: Board Member Calame

Seconded: Board Member May

Vote: 5 - 0 None

8. Discuss and consider action on Tree Removal Case TRP-24-0035 regarding removal of one (1) Heritage Tree and twelve (12) Significant Trees associated with the Chitalpa Commercial Site Development Project (SD-24-0203) generally located south west of the intersection of S. Chitalpa St. and Barrel Cactus Dr., Leander, Williamson County, Texas.

Motion to approve the Tree Removal Case TRP-24-0035.

By: Board Member Lantrip

Seconded: Board Member Calame

Vote: 5 - 0 None

9. Adjournment
Meeting adjourned at 6:28 p.m.

APPROVED

CHAIR

ATTEST:

STAFF LIAISON



EXECUTIVE SUMMARY
12/12/2024

AGENDA SUBJECT:

Approval of the Site Development and Dry Utility Application Forms pursuant to Article IX, Section 3 (a) (1) (iii). of the Composite Zoning Ordinance; Leander, Williamson & Travis Counties, Texas.

BACKGROUND:

Article IX, Section 3 (a) (1) (iii) of the Composite Zoning Ordinance requires that the Director of Planning presents Site Development and Dry Utility Application Forms to the Planning & Zoning Commission for approval. This agenda item includes updates which include changes to the Composite Zoning Ordinance. These changes incorporate the recent ordinance amendments including updates to the process and requirements for site development and dry utility applications. This item is a housekeeping item and the applications are based on the current ordinance requirements.

HISTORY/TIMELINE:

APPLICANT/AGENT:

City of Leander

RECOMMENDATION:

Staff recommends approval of the applications.

PRESENTER:

Karina Castillo, AICP, Planning Manager

Attachments:

1. 1. Site Development Submittal Packet 12.05.2024
2. 2. Dry Utility Submittal Packet 12.05.2024

PROJECT NAME: _____

SITE DEVELOPMENT PERMIT

APPLICATION & CHECKLIST SUBMITTAL PACKET

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GENERAL INFORMATION

- Site development permits are required for non-residential and multi-family developments. These plans include flat work, building footprints, landscaping, grading and drainage, erosion control, utilities, and any required park improvements.
- Lots are required to be platted prior to the issuance of the site development permit. The final plat may be reviewed concurrently with the site development permit.
- If a TIA is proposed, the review and approval of the TIA shall be completed concurrently with the submittal of the Site Development Plan application. Include the TIA application and fees with this submittal. A scoping meeting with the City Engineer is required prior to submittal.

HELPFUL LINKS

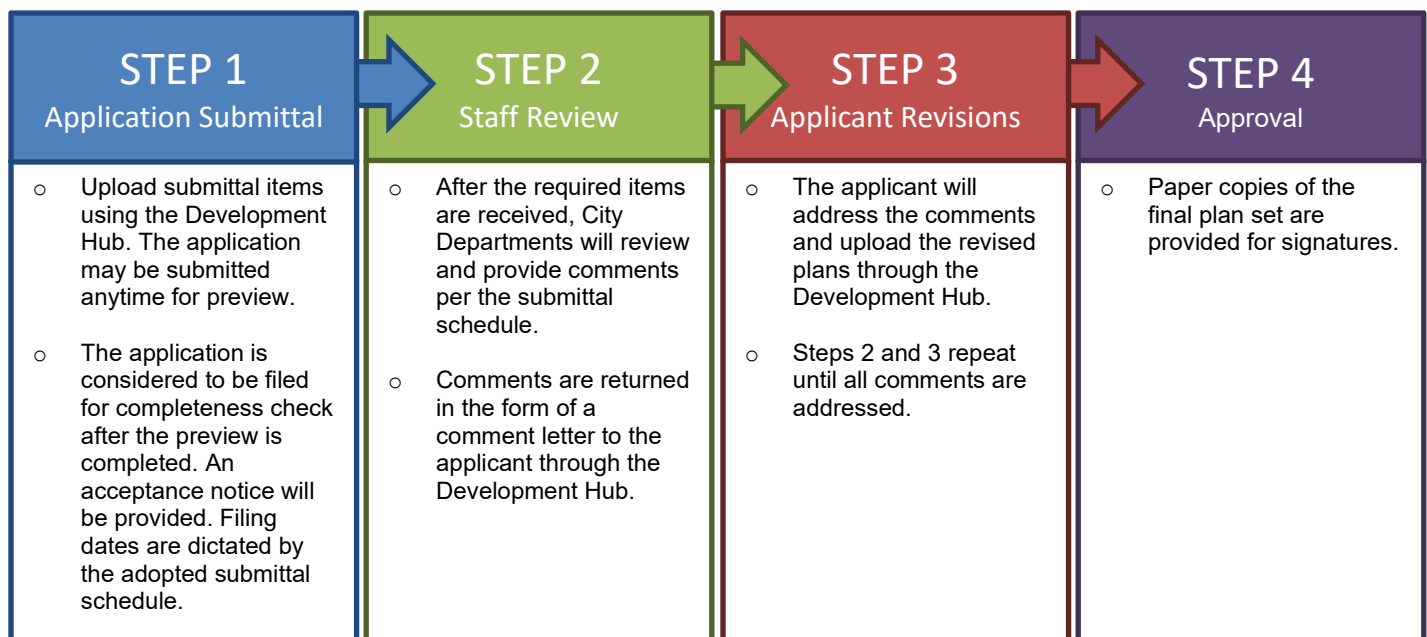


- Development Services – www.leandertx.gov/ds. Includes links to the following:
 - Development Process – Applications, Submittal Schedule
 - Planning Department: Zoning, Subdivision, Site Development, Current Developments
 - Building Permits & Inspections: Building Permits, Impact Fees
 - Engineering Department
 - Maps & Guides – Comprehensive Plan, Transportation Plan, Development Guide, Transportation Criteria Manual, Drainage Criteria Manual
- Fire: www.leandertx.gov/fire
- Parks: www.leandertx.gov/parksrec
- Development Hub – Application Portal: www.leandertx.gov/hubgo

INSTRUCTIONS

- Fill out the following application and checklist completely prior to submission.
- Current applications and City ordinances may be found on the City's website (<http://www.leandertx.gov/ds>).
- Please refer to the "Submittal Schedule" for submittal deadlines. Applications may be submitted through the Development Hub at anytime for preview. Once all items are confirmed and accepted, the review process will start on the next available filing date as listed in the submittal schedule.
- For projects located within the Lake Travis watershed, the Construction Plans shall be provided to the Lower Colorado River Authority (LCRA) for compliance with the Lake Travis and Upper Highland Lakes Nonpoint Source Pollution Control Ordinance. The applicant shall be responsible for any additional information required by the LCRA for the necessary approvals.
- All items listed in the "Required Items for Application Submittal" on [page 3](#) shall be uploaded to the Development Hub.

PROCESS OVERVIEW – ALTERNATIVE PROCEDURE



REQUIRED ITEMS FOR THE SUBMITTAL PACKAGE

REQUIRED ITEMS

PROVIDED

Check each box if you have complied with that item. This application/checklist is only a guide. All state and local ordinances and code requirements cannot be reflected on this application/checklist. If there are any questions regarding the regulations, the applicant shall consult source law.

- ☐ 1. Completed and Signed Application & Checklist with the owner's signatures.
 - ☐ 2. Site Plans (24" X 36") or (22" X 34") including the items listed in the checklist. Include the title of each sheet (i.e. site plan, landscape plan, grading plan, etc.) along the right edge, visible when rolled.
 - ☐ 3. Deed showing current ownership. Proof of signatory for corporations is required.
 - ☐ 4. Certified tax certificate or other evidence that taxes have been paid.
 - ☐ 5. Support documents such as TIA, Drainage Reports, Lift Station Reports, HEC Models, etc.
 - ☐ 6. Letter explaining any proposed development agreements that have not been executed (if applicable). If there is an existing Development Agreement, provide the name:

 - ☐ 7. Is development proposed within the floodplain? ☐ Yes ☐ No
If yes, the floodplain development application is required to be submitted concurrently with the Construction Plans.
 - ☐ 8. Are any offsite or separate instrument easements required? ☐ Yes ☐ No
If yes, either provide the recordation number on the plans or provide the application for review.
 - ☐ 9. Planned Unit Development (PUD) information (if applicable)
Is this plan subject to a PUD? ☐ Yes ☐ No
If yes, provide the name: _____
 - ☐ 10. Traffic Impact Analysis Letter. Provide the following:
 - ☐ Letter providing the trip generation based on the current ITE Manual. The letter shall contain each of the proposed land uses for the site, with the units of measure for each, the traffic generation for each unit of measure, the trip generation quantities (AM peak, PM Peak, and the ADT), and include an estimate of any proposed fee in lieu of TIA. The letter shall be signed and sealed by an engineer. This letter will be used by the City Engineer to determine if a TIA or a fee in lieu of TIA are required.
 - ☐ 11. Is there a Traffic Impact Analysis (TIA) associated with this project? ☐ Yes ☐ No
If so, please contact the City Engineer to confirm if an updated is needed.
 - ☐ 12. Recent Title Commitment (dated within one year; if the title commitment is older than one year, submit a property report or nothing further certificate)
 - ☐ 13. Development meeting notes, confirmation that a meeting was not required, or Due Diligence Report.
 - ☐ 14. Application Fees (calculation listed below).

APPLICATION FEE* CALCULATION

Filing Fee:	\$1,000.00
\$0.05 per square foot of impervious cover: \$0.05 X _____ square feet:	\$ _____
If the project is proposed to be phases, there is a fee of \$250 per phase starting with the second phase:	\$ _____
Early Grading Phase Fee (\$1000 + \$500 per acre):	\$ _____
Inspection Fee (\$500 + \$500 if an early grading phase is proposed):	\$ _____
Fire Code Review Fee (\$125 per phase):	\$ _____
Professional Recovery Fee:	\$ 250.00
Technology Fee:	\$ 25.00

TOTAL FEE (due at the time of application submission) **\$** _____

* An invoice for application fees will be provided during the completeness check. All fees shall be paid prior to the acceptance of the submittal for review.

ADDITIONAL INFORMATION ABOUT FEES:

RESUBMITTAL FEES:

- Alternative Review Procedure: A resubmittal fee in the amount of \$500 is due for each submittal after the 3rd review.

UPLOADED DOCUMENT REQUIREMENTS

- All documents shall be in PDF format, using Arial font with a minimum resolution of 300 dpi. Additional items that are needed to support engineering studies may be submitted in their native format. (i.e. HEC Models, AutoCAD files etc)
- All PDFs of plat documents shall be exports from AutoCAD and not scans of a printed document.
- All PDFs shall be bookmarked.
- All sheets must be facing the correct direction and pages shall be bookmarked with the title on each page.
- Each upload shall include a descriptive name of the file including the associated number from the "Required Items" list on [page 3](#). Examples:
 - The application shall be identified as the application and include the creation date in MM.DD.YYYY format:
1. Application 06.13.2022
 - The Construction Plan shall be identified as the MSD and include the creation date in MM.DD.YYYY format:
2. Project Name SD 06.13.2022
 - Corrections shall include the version number in the title:
2. Project Name SD V2 06.13.2022

COMPLETENESS REVIEW REQUIREMENTS

The completeness review is a pre-review of the submittal package to confirm that the required documents and information have been submitted in order to confirm that the application is ready for review by City Staff.

The minimum required items are listed below for the first submittal of the application.

- All items listed above in the "Required Items for Submittal Package" list shall be included.
- All plan sheets shall meet the format listed in the "General Section" below on page 7
- All documents shall be legible.
- Blank or pending sheets will not be accepted.

The minimum required items are listed below for the second and any other resubmittals.

- Plans, comment letters, and other items listed in the comment letter.
- Comment response letters shall include an explanation of how the comments were addressed. Responses such as "pending" or "noted" will NOT be accepted.
- Any changes made by the applicant that were not requested by the reviewers shall be identified at the beginning of the comment letter.
- Any required resubmittal fees.

PROJECT INFORMATION

Street Address/Location Description: _____

Subdivision Name: _____ Section, Lot, Block: _____
Zoning District: _____ PUD Ordinance No: _____
(USE-SITE-ARCHITECTURE)

Future Land Use Category (as identified on the Future Land Use Map: _____

Total Gross Sq. Ft. of Building(s): _____ Total Impervious Cover Sq. Ft: _____
(pavement and building)

Proposed Number of Multi-Family / Condo Units: _____

Brief Summary of Work: _____

SITE DEVELOPMENT REVIEW PROCEDURE

1. Submit required items through the Development Hub. These documents may be submitted at any time for preview. Once all required documents are confirmed, the application will be reviewed for completeness within 10 business days of the submittal date. If the application substantially fails to meet the minimal informational requirements, then it will not be accepted for review.

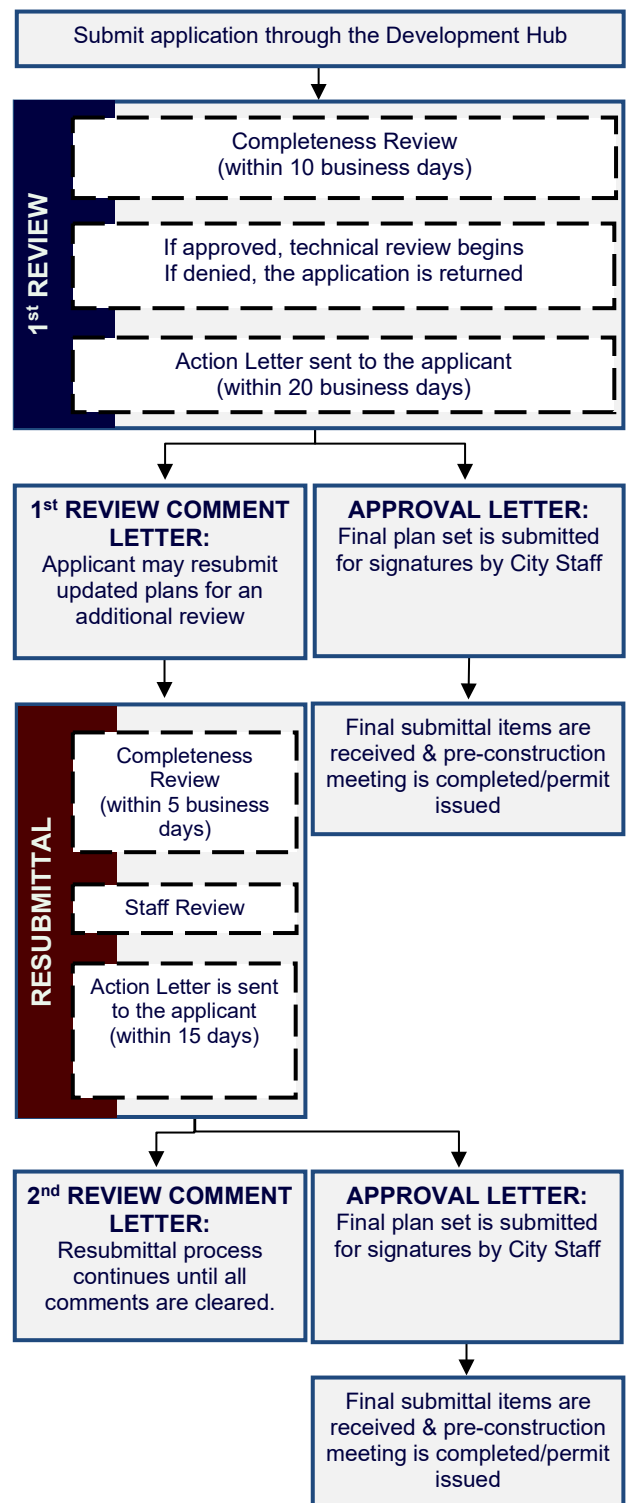
If the application is determined to be complete, then it will be distributed for technical and content review (see requirements on [page 4](#)) in compliance with the submittal schedule.

2. A comment letter will be generated within 20 business days of the filing date and sent to the applicant. If the application is disapproved, then the letter will list the deficiencies with Code references.
3. The applicant will resubmit the corrected plan set for review. Submittals may be submitted at any time, but will be accepted for review based per the adopted Submittal Schedule. The resubmittal will be reviewed for completeness within 5 business days. A complete submittal shall include the following:
 - a. Updated plans & supporting documents/materials
 - b. Written response letter identifying how the comments were addressed
 - c. Resubmittal fee (after the third resubmittal)

If the items above are not provided, the re-submittal will be NOT be accepted.

4. A comment letter will be generated within 10 business days of the filing date. If the application is disapproved, the letter will list the deficiencies with Code references.
5. This process repeats until all comments are cleared.
6. If the comment letter indicates that the applicant is eligible for a final submittal review, please upload the following items:
 - a. Updated plans & supporting documents/materials
 - b. Comment response letter identifying how the comments were addressed
7. If the application is approved, then the final plan set needs to be submitted and routed for signatures.
8. The City will sign the plans and return them to the applicant. The following items will need to be submitted to schedule a pre-construction meeting:
 - a. 2 collated and stapled final copies of the signed plans.
 - b. A scanned copy of the plans - scanned at 300 dpi, uncompressed format TIF to the original approved scale.
 - c. A digital version final copies of all support documents (Drainage Studies, Lift Station Reports, etc)
 - d. SWPPP (Reviewed by the Stormwater Inspector)
 - e. Outstanding Fees
 - f. Pre-construction meeting request form

A permit will be issued during the pre-construction meeting and construction may start after the issuance of the permit and inspection of erosion controls.



APPLICANT INFORMATION

Please Note: The signature of owner authorizes City of Leander staff to visit and inspect the property for which this application is being submitted. The signature also indicates that the applicant or his/her agent has reviewed the requirements of this checklist and all items on this checklist have been addressed and complied with. If there are multiple property owners, one notarized form per owner is required. Approval of this application and the related plat or plans does not constitute the approval of variances or waivers to ordinance requirements. Applicant is responsible for compliance with all applicable ordinance unless a variance, waiver, or exception has been specifically approved.

The agent is the official contact person for this project and the single point of contact. All correspondence and communication will be conducted with the agent. If no agent is listed, the owner will be considered the agent.

(Check One):

____ I, the owner, will represent this application with the City of Leander.

____ I, the owner, hereby authorize the person named below to act as my agent in processing this application with the City of Leander.

OWNERSHIP INFORMATION:

Owner Name (Company or Individual): _____

Contact Name: _____

(If property ownership is in the name of a partnership, corporation, joint venture, trust or other entity, please list the official name of the entity and the name of the managing partner.

Phone: _____ Fax: _____

Address: _____ City: _____ State: _____ Zip: _____

Email: _____ Mobile: _____

By signing this form, the owner of the property authorizes the City of Leander to begin proceedings in accordance with the process for the type of application indicated above. Owner further acknowledges that submission of an application does not in any way obligate the City to approve the application. By signing this form the owner of the property authorizes the City of Leander to enter upon the property to perform all necessary inspections and acknowledges that the construction will be in accordance with the City of Leander standards and the approved construction documents. By indicating an agent on the application, the property owner authorizes the agent to represent the request and all official contact will be between the City of Leander and the agent.

Owner's Signature: _____ **Date:** _____

THE STATE OF _____ §

§ KNOW ALL MEN BY THESE PRESENTS

COUNTY OF _____ §

Before me, _____, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he or she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____.

Notary Public's Signature _____

My Commission Expires: _____

AGENT INFORMATION:

If an agent is representing the owner of the property, please complete the following information:

Project Agent: _____ **Company:** _____

Phone: _____ Fax: _____

Address: _____ City: _____ State: _____ Zip: _____

Email: _____ Mobile: _____

I hereby attest that I prepared this application/checklist and that all information shown hereon is correct and complete to the best of my knowledge:

Signature

Name (printed)

Date

SITE DEVELOPMENT CHECKLIST

Please note that this checklist is intended to describe the general scope of site development permit applications. Additional information may be required to assure ordinance compliance. The owner/agent shall initial each line item confirming the requested information is included with this application. All ordinance references are to the Composite Zoning Ordinance unless otherwise specified.

GENERAL

- ___ 1. Each section heading represents a plan sheet associated with the submittal. The following sheets shall be included in the following order:
 - ☐ Cover Sheet
 - ☐ General Notes
 - ☐ Final Plat
 - ☐ Existing Conditions & Demolition Plan
 - ☐ Erosion & Sedimentation Control Plan
 - ☐ Grading & Drainage Plan
 - ☐ Site Plan
 - ☐ Address Plan
 - ☐ Utility Plan
 - ☐ Road & Sidewalk Closure Plan
 - ☐ Standard Details
 - ☐ Landscape Plan
 - ☐ Park Land Plan
 - ☐ Master Architectural Plan
 - ☐ Major Corridor Streetscape Plan
 - ☐ Early Grading Phase
- ___ 2. All sheets shall be numbered in numeric order without letters (e.g. 1, 2, 3, etc.), not C-1, E-1, etc. These numbers shall be provided in the bottom right corner of every sheet and include the total number of sheets.
- ___ 3. A 2" tall by 3" wide box shall be provided in the bottom right corner of every sheet for an approval stamp and initials (please see layout example in the Cover Sheet section of the application).
- ___ 4. All property lines shall be identified with a solid, heavy, and black line.
- ___ 5. All offsite easements are required to be recorded prior to the approval of the final plat. Examples of offsite easements may include reciprocal access easement, public utility, landscape, and public access easement; access easement for water quality or detention pond. If these easements are not provided by the final plat, a separate instrument easement shall be required. The application is available online at: <https://www.leandertx.gov/planning/page/subdivisions-applications-and-checklists>.
- ___ 6. If permit application is for a public park required with a subdivision, a deed is provided deeding land to the City. (Deed will be executed and recorded after final acceptance of improvements.)
- ___ 7. If an adjacent street is sub-standard or needs widening in accordance with Transportation Plan, right-of-way and pro-rata cost participation is provided. This is typically a payment for half the cost of the full cross-section for the street over the length of the property along the street.
- ___ 8. If a TIA is proposed, the TIA is required to be approved prior to the approval of the site development permit. If the TIA recommends improvements, provide the improvements as part of a construction plan application.

COVER SHEET

- ___ 1. Title block including the following in the top center of the page.
 - Project Name*
 - Site Development Plans
 - Project Number (This number will be assigned during the first review of the plan set)
- ___ 2. Location sketch below the title block. This sketch shall show relation of the subdivision to streets and other prominent features in all directions for a radius of at least one (1) mile using a scale of one inch equals two thousand feet (1"=2,000'). The latest edition of the USGS 7.5 minute quadrangle map is recommended.
- ___ 3. Project information below the location sketch including the following:
 - Property owner name, address, and phone number
 - Engineer name, address, and phone number
 - Surveyor name, address, and phone number
 - Developer/Agent name, address, and phone number
 - Submittal date
 - Land use summary including zoning, proposed use, acreage, total impervious cover, building impervious cover, and total number of multi-family or condo units.
 - Property information including legal description
 - Future Land Use Category as identified on the Future Land Use Map
 - Proposed Incentives that are determined by Masonry percentages

- Any other associated project numbers such as Development Agreement, Floodplain Development, Site Development, or Final Plat.
- List of required offsite easements and recordation numbers

___ 4. Index on the right side of the sheet name and number.

___ 5. Example cover sheet:

Project Name Site Development Plans Project Number	
Project Information	Location Sketch Index
Revision Block	Signature Block
Approval 1 of 1	

___ 6. Include the following signature block in the upper left corner.

APPROVED BY:

Robin M. Griffin, AICP, Executive Director of Development Services

Date

Emily Truman, P.E., CFM, City Engineer

Date

Ashlea Boyle, Director of Parks and Recreation

Date

Chief Joshua Davis, Fire Marshal

Date

___ 7. Revision block below the below including the following.

Revision #	Description	Approval

GENERAL NOTES

- ___ 1. Insert the City of Leander General Notes. These notes may be found online at <https://www.leandertx.gov/engineering/page/general-notes>. Ensure that the date of the most recent notes is included within the general notes sheet. Of note that if any changes are to be made to the general notes, these must be highlighted within a cloud and explained within an attached memo.

FINAL PLAT:

- ___ 1. Insert draft of the final plat. The final copy needs to be provided prior to the issuance of the site development permit.

EXISTING CONDITIONS & DEMOLITION PLAN

- ___ 1. Survey including the existing conditions such as easements, improvements such as buildings and pavement.
- ___ 2. Identify proposed improvements for demolition.

EROSION & SEDIMENTATION CONTROLS:

- ___ 1. This sheet shall be a stand alone sheet that only includes Erosion and Sedimentation Control information.
- ___ 2. Proposed fill or other structure elevating techniques, levees, channel modifications and detention facilities is shown.

- ___ 3. Existing and proposed topographic conditions with vertical intervals not greater than one (1) foot referenced to a United States Geological Survey or Coastal and Geodetic Survey bench mark or monument.
- ___ 4. The location, size, and character of all temporary and permanent erosion and sediment control facilities with specifications detailing all on-site erosion control measures which will be established and maintained during all periods of development and construction are shown.
- ___ 5. Contractor staging areas, vehicle access areas, temporary and permanent spoils storage areas are identified.
- ___ 6. A plan for restoration for the mitigation of erosion in all areas disturbed during construction is provided.
- ___ 7. Identify at least one construction entrance on the erosion and sediment control site plan.
- ___ 8. Identify the locations of the erosion and sediment controls used on the site. Use standard symbols, specification numbers, and abbreviations as applicable. All items not related to the erosion/sediment control plan must be omitted from the legend and drawing.
- ___ 9. Identify each phase of the erosion and sediment control plan implementation. Phase I should show the existing conditions with the initial controls. The subsequent phases should be shown in a manner that take into account a logical progression of work while controls are maintained to protect from offsite damage. The final phase should show all temporary controls removed and all permanent controls in place.
- ___ 10. Provide the following note:
The City of Leander environmental inspector has the authority to add or modify erosion/sediment controls on site throughout the duration of the project.
- ___ 11. A Maintenance agreement and plan shall be filed in the real property records of the county in which the property is located. A template is available online at: <https://www.leandertx.gov/engineering>. The pond's engineered drawing specification sheet(s) shall be included in the plan as part of the recorded agreement. Documentation of the submittal to the County shall be provided to the City. This plan needs to include the location of the water permanent stormwater control facility such as a water quality or detention pond, and allow the City or its contractors access to the facility for periodic inspection.

GRADING & DRAINAGE IMPROVEMENTS:

- ___ 1. Detailed design of all drainage facilities as indicated in the Preliminary Plat phase, including typical channel or paving section, storm sewers and other storm water control facilities. This shall include all relevant models, spreadsheets, and other aids utilized in this design.
- ___ 2. Adequate access is provided for maintenance of and repair to drainage facilities.
- ___ 3. Typical channel cross-sections, plan and profile drawings of every conduit/channel shall be shown.
- ___ 4. Existing and proposed topographic conditions indicating one (1) foot contour intervals for slopes less than 5%, two (2) foot contour intervals for slopes between 5% and 10%, and five (5) foot contour intervals for slopes exceeding 10%, and referenced to a United States Geological Survey or Coastal and Geodetic Survey bench mark or monument.
- ___ 5. Attendant documents containing design computations in accordance with the Subdivision Ordinance for the City of Leander, and any additional information required to evaluate the proposed drainage improvements. This shall be formatted into a drainage report that organizes and presents explanation as needed to properly communicate this process to the City for review. This report will contain all constants, assumptions, and calculations required in the design process.
- ___ 6. Location of the regulatory 100-year floodplain (if any) is provided.
- ___ 7. A copy of the complete application for flood plain map amendment or revision, as required by the Federal Emergency Management Agency (FEMA), if applicable. If there are any changes to a creek, or within a buffer zone, in addition to any changes to anything within the 100 year floodplain, Floodplain Development Permit shall be submitted for concurrent review.
- ___ 8. Non-Residential and Multi-Family Drainage and Detention Facilities:
 - ☐ Non-residential and multi-family drainage facilities include all detention ponds, water quality ponds, pond outlet structures, berms, improved channels or other improvements associated with the drainage improvements. Roadside swales, storm sewer outfalls unless visible from a ROW, inlets, and areas of concrete that are no more than one hundred (100) square feet in size are not included.
 - ☐ Non-residential and multi-family drainage facilities are not allowed within ten feet (10') of street ROW except those which are necessary to convey drainage in the shortest possible route to or from street ROW.
 - ☐ Non-residential and multi-family drainage facilities located within the front setback shall not exceed 25% of the area of the front setback.
 - ☐ Any fencing around non-residential and multi-family detention ponds shall be constructed of wrought iron or decorative tubular metal or other similar product.
 - ☐ Structural stabilization including vertical walls and riprap for non-residential and multi-family drainage facilities shall be limited to not more than thirty (30%) percent of the perimeter of the pond excluding outlet structures. The remainder of the perimeter shall be earthen embankment no steeper than 3:1 slope. All exposed concrete that is visible is required to be made of stone or clad in stone including but not limited to ledgerstone, fieldstone, cast stone, or other decorative materials such as stamped and tinted concrete that resembles stone or brick as approved by the Director of Planning. All other exposed concrete is required to be made of stone or clad in stone as listed above or textured and tinted in earthen colors. In the event that the drainage facility is below grade,

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

- ___ 9. Residential Drainage and Detention Facilities:
- ☐ Residential drainage facilities include all detention ponds, water quality ponds, pond outlet structures, berms, improved channels or other improvements associated with the drainage improvements. Roadside swales, storm sewer outfalls unless visible from a ROW, inlets, and areas of concrete that are no more than one hundred (100) square feet in size are not included.
 - ☐ Residential drainage facilities shall utilize earthen berms and be designed with a curvi-linear shape. Any structural stabilization with slopes steeper than 3:1 shall be limited to the use of native stone (except for outlet structures which can be concrete) and shall be limited to not more than thirty (30%) percent of the perimeter of the pond. Such ponds shall be seamlessly integrated with the landscaping. All exposed concrete that is visible is required to be made of stone or clad in stone including but not limited to ledgerstone, fieldstone, cast stone, or other decorative materials such as stamped and tinted concrete that resembles stone or brick as approved by the Director of Planning. All other exposed concrete is required to be made of stone or clad in stone as listed above or textured and tinted in earthen colors. In the event that the drainage facility is below grade, concrete is permitted instead of native stone and screening requirements Article VI, Sec. 1 (d) of this Ordinance shall apply.
 - ☐ Any fencing around residential detention ponds shall be constructed of wrought iron or decorative tubular metal or other similar product.
- ___ 10. FYI – Maintenance of the drainage and detention facilities are the responsibility of the property owner. The Homeowners Association (HOA) will be responsible for the maintenance of these facilities for residential subdivisions.

SITE PLAN:

- ___ 1. Scale 1" = some number of feet divisible by 10 (not smaller than 1" = 60') and labeled on plan.
- ___ 2. North arrow.
- ___ 3. Boundary lines (drawn with heavy line) with metes and bounds description.
- ___ 4. Property lines of adjacent properties showing (where applicable) the names of adjacent plats.
- ___ 5. Location and sizes of existing easements with record references are shown. A statement is provided indicating that all existing easements are shown on the site plan as follows with the blanks complete. If the title commitment is more than one year old, provide a property report or nothing further certificate indicating any additional easements.
All easements of record as indicated on the most recent title run (dated: _____, conducted by _____) for this property are shown on this site plan.
- ___ 6. Location, dimensions, square footage and intended uses of the site. If uses are not known at this time, a note is provided on the site plan as follows:
Uses for this site are currently unknown. This permit therefore proposes no uses at this time. Uses will be proposed at a later date in conjunction with future permits and in compliance with the zoning ordinance of the City of Leander.
- ___ 7. Provide the following notes:
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. Unshielded "wall pack" lighting is not proposed.
Al Clawson Disposal, Inc. shall be the sole provider of waste hauling for this site after construction.
Air conditioning units are not proposed forward the front wall of the building.
Garbage dumpsters are located no closer to a roadway than the front wall of the principal structure located closest to the roadway. Garbage dumpsters are screened by a wall (comprised of masonry compatible with the structure or WoodCrete) at least as high as the container. The open side to the dumpster or other trash receptacle is a gate constructed of solid wood or metal. The dumpster is oriented for pickup by a front load garbage truck.
For 90 gallon roll out container stored outside, it is required to be enclosed by privacy fence.
- ___ 8. For multi-family, a table showing the number of living units, the acreage and the units per acre is provided. Density is determined by the amount of proposed masonry.
- ___ 9. For multi-family, the total number of units per acre is limited to 8 units unless the applicant is proposing a higher masonry standard. If 100% masonry is proposed, then the density may be 25 units per acre. If 85% masonry on the first story and 50% on the second story is proposed, then the density may be 18 units per acre. If increased masonry is proposed, provide a note on the plans.
- ___ 10. Multi-family units are at least 500 sq. ft. for efficiency units, 650 sq. ft. for one bedroom units, 850 sq. ft. for two bedroom units, and an additional 150 sq. ft. for each bedroom thereafter.
- ___ 11. For multi-family, a proposal in compliance with the park dedication requirements of the subdivision ordinance.

- ___ 12. Parking lot layout is provided in conformance with the Transportation Criteria Manual (including the following criteria):
- Dimensions of parking spaces, aisle widths
 - Driveway intersection sight distance
 - Driveway and aisle curb return radii
 - Dead-end parking bays greater than 150' in length have a fire department turn-around
 - One-way aisles have angled parking
- ___ 13. Fire Lane Striping: Fire apparatus access roads shall be continuously marked by painted lines of red traffic paint six inches (6") in width to show the boundaries of the lane. The words "FIRE LANE TOW AWAY ZONE" or "FIRE ZONE TOW AWAY ZONE" shall appear in four inch (4") white letters at 25 feet intervals or less, on the red border markings along both sides of the fire lanes. Where a curb is available, the striping shall be on the vertical face of the curb.
- ___ 14. Fire Lane Signs: Signs shall read "FIRE LANE TOW AWAY ZONE" or "FIRE ZONE TOW AWAY ZONE" and shall be 12" wide and 18" high. Signs shall be painted on a white background with letters and borders in red, using not less than 2" lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six feet, six inches (6'6") above finished grade. Signs shall be spaced not more than thirty-five feet (35') apart. Signs may be installed on permanent buildings or walls or as *approved by the Fire Code Official*.
- ___ 15. Access Management – All properties that have frontage onto an arterial street are required to comply with the TxDOT access point spacing standards.
- ___ 16. Driveways are labeled as Type II commercial driveways.
- ___ 17. Any proposed driveway onto a state maintained roadway (US 183, US 183A, FM 2243) has a TXDOT driveway permit and a copy is enclosed.
- ___ 18. Driveways on arterial roadways are at least thirty (30) feet wide at the property line (and not more than 45') and are in compliance with TxDOT standards with regards to spacing as stated in the Composite Zoning Ordinance. Driveways on lesser streets are at least twenty five (25) feet wide at the property line.
- ___ 19. A parking summary table is provided on the site plan showing that off-street parking is provided in compliance with the Composite Zoning Ordinance (Art.VI, Site Standards; Sec. 3). Compact parking spaces do not exceed 10% of total. This table demonstrates compliance with parking garage requirements associated with multi-family development.
- ___ 20. Handicap parking is provided as follows:
- For commercial projects, handicap parking spaces are provided at a ratio of not less than one handicap space for every 25 parking spaces for the first 100 parking spaces plus one handicap parking space for every 50 parking spaces for the second 100 parking spaces plus one handicap space for every 100 parking spaces for the next 300 parking spaces; or 2% of the total for 501 to 1,000 parking spaces; or 20 handicap parking spaces plus one for each 100 over 1,000 for parking areas having more than 1,000 parking spaces. One out of every 8 handicap parking spaces is required to be van accessible and at least one van accessible handicap space is required [a van accessible space has an 8-foot wide aisle instead of a 5-foot wide aisle]. Handicap parking spaces are identified by a sign with the international symbol of accessibility.
 - At least one route is provided within the boundary of the site to accessible parking, public sidewalks or streets, passenger loading zones (if provided) and public transportation stops (if any), and other accessible facilities (if any) to an accessible building entrance.
- ___ 21. A six foot minimum concrete sidewalk is shown to be installed parallel to all roadways (unless a sidewalk already exists) and is set back at least five feet from the edge of pavement and from parking areas (flexibility to this requirement can be employed if necessary to save existing trees). A ten foot concrete hike and bike trail is provided in-lieu of the six foot sidewalk if required by the Transportation Master Plan. Sidewalks have been coordinated with landscape design to provide substantial landscaping on both sides of the sidewalk. The sidewalk may meander (with small irregular deflections). Pedestrian connections are provided at street crossings as well as to businesses within the development. If a pedestrian access easement nine feet in width is not dedicated with the plat, a separate instrument dedicating such easement is provided herein.
- ___ 22. If the property is zoned with an LO use component, a note is provided on the site plan limiting hours of operation to the general public to between 7:00 a.m. and 10:00 p.m. Sunday through Thursday, and 7:00 a.m. to 11:00 p.m. Fri. and Sat.
- ___ 23. If the property is zoned with an LC use component, a note is provided on the site plan limiting hours of operation to the general public to between 5:00 a.m. and 10:00 p.m. Sunday through Thursday, and 5:00 a.m. to 11:00 p.m. Fri. and Sat.
- ___ 24. If this is a non-residential or multi-family site contiguous with another non-residential or multi-family site, a parking aisle connection to the boundary of the site is provided for connection to such contiguous non-residential site unless such connection is determined to be inappropriate by the Planning Department after considering relevant factors such as topographic constraints, environmental constraints and adjacent incompatible uses. If the reciprocal access easement is not provided on the plat, a separate instrument easement will be required.
- ___ 25. No drive-through service lane or outdoor service speaker is located within 75' of a residential district unless such district is utilized for a non-residential use. No drive through service lane is within 50' of a residential district unless a note is shown prohibiting operating during the hours of 10 p.m. to 6 a.m.
- ___ 26. If a business sells alcoholic beverages, it must be at least 300' from a church, public school, or public hospital (see V.T.C.A., Alcoholic Beverage Code 109.33). The measurement of the distance between the place of business where alcoholic

beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections. The measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school shall be in a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections.

___ 27. Building lines have been checked for compliance with the following tables.

BUILDING / STRUCTURE							
SINGLE-FAMILY RESIDENTIAL DISTRICTS							
	Use Component	Front	Side	Street Side		Rear	
Standard Setback	SFR	25'	7'	15'		15'	
	SFE, SFS, SFU, SFU/MH, TF	20'	5'	15'		15'	
	SFC, SFL	15' *	5' or 0' & 10'	15'		15'	
	CH*****	15'	5'	15'		15'	
	TH	10'*	5'	10'		10	
	SFT	10' *	0 or 10'	15'		15'	
Garage Setback	SFR, SFE, SFS, SFU, SFU/MH. SFC. SFL, CH, SFT, TF See Article VIII, Section 5 (i)						
NON-RESIDENTIAL & MULTI-FAMILY DISTRICTS							
	Use Component	Max Front	Min Front	Min Side	Min Street Side	Max Street Side	Min Rear
Standard Setback	NR	15' *	5'	15'		15'	
	MF	25'	10'	25'		20'	
	LO, LC	30'	10'	30'		10'	
	GC, HC, HI	35'	15'	35'		15'	
Special Setback Where Adjacent to SFR, SFE, SFS, SFU, SFC, SFL, SFU/MH, CH, TH, TF**	MF, LO, LC, GC, HC, HI	(NA)	50'	(N/A)		50'	

PARKING, AISLE, LOADING, CANOPIES, OUTDOOR DISPLAY							
	Use Component	Site Component	Front	Side	Street Side	Rear	
Standard Setback	MF	All	20'	5'****	20'	5'****	
	LO, LC, GC, HC, HI	Type 1, 2	15'	5'****	15'	5'****	
		Type 3	20'	5'****	20'	5'****	
		Type 4, 5	25'	5'****	25'	5'****	
		Special Setback Where Adjacent to SF or TF**	MF, LO, LC, GC, HC, HI	Type 1-3	(N/A)	15'	(N/A)
	Type 4, 5		(N/A)	20'	(N/A)	20'	

OUTDOOR STORAGE						
	Use Component	Site Component	Front	Side	Street Side	Rear
Standard Setback	LO, LC, GC, HC, HI	Type 3-4	***	5'****	***	0'
		Type 5	25'	0'****	25'	0'
Special Setback Where Adjacent to SF or TF**	LO, LC, GC, HC, HI	Type 3-5	(N/A)	25'	(N/A)	25'

* In no case shall the garage be closer to the ROW than 18'

** Unless such district is utilized for a non-residential use

*** No closer than the street facing wall of the primary structure that utilizes such storage.

**** Setback does not apply for parking, drive aisles, storage etc. that are intended to cross lot line.

***** Setbacks are for the perimeter of the project, not the individual units.

Setback Incentives: If the exterior surface area of buildings/structures are comprised of at least 85% masonry and 50% masonry for each additional story, then the following setbacks apply.

All Other Streets	NR	15' *	5'	15'	15'
	MF	20'	10'	20'	20'
	LO, LC, GC, HC, HI	20'	10'	20'	10'
Special Setback Where Adjacent to SFR, SFE, SFS, SFU, SFC, SFL, SFU/MH, CH, TH, TF**	MF, LO, LC, GC, HC, HI	(NA)	25'	(NA)	25'

If the exterior surface area of buildings/structures are comprised of at least 100% masonry, then the following setbacks apply:

All Other Streets	NR	15' *	5'	15'	15'
	MF	20'	10'	20'	20'
	LO, LC, GC, HC, HI	15'	10'	15'	10'
Special Setback Where Adjacent to SFR, SFE, SFS, SFU, SFC, SFL, SFU/MH, CH, TH, TF**	MF, LO, LC, GC, HC, HI	(NA)	20'	(NA)	20'

___ 28. Check the applicable site component of the composite zoning district for the subject property and complete the checklist under that component:

___ **Type 1**

- Accessory structures, if proposed, do not exceed 5% of the gross floor area of the primary building, or 120 square feet, whichever is greater (agricultural and recreational buildings are exempt).
- Outdoor animal boarding is not proposed.
- Major outdoor entertainment venues as a primary use are not proposed.
- A minimum of 150% of the standard landscape requirements are provided.
- Detention and water quality ponds are designed with earthen berms and a curvi-linear contoured shape. Structural stabilization is limited to native stone (except for outlet structures) and is limited to not more than 30% of the perimeter of the pond. Ponds are integrated with landscaping.
- No drive-through service lanes, drive-in service, outdoor display, outdoor storage, container storage, overhead commercial service doors or outdoor fuel sales are proposed.
- No light standards exceed 16' in height.
- No ground mounted signage exceeds six feet in height.
- No first floor gross building area exceeds 10,000 square feet and no building contains more than 20,000 gross square feet of floor area.

- No building is proposed with a height of greater than 35 feet.
- Parking areas are no wider than two modules in width (one module is an aisle with adjacent parking stalls).
- No more than one parking module is proposed between the building(s) closest to the street and the street frontage.
- If a restaurant is proposed, outdoor seating is provided. Dumpster enclosures, food waste containers, grease traps, outdoor seating associated with restaurants, loading areas, or similar improvements are not permitted within twenty (20') feet of a single-family residential district unless such district is utilized for a non-residential use. If multi-family is proposed:
 - No parking modules, drive aisles, driveways, garages or similar facilities are proposed between the building(s) closest to the street frontage.
 - At least 85% of the units have at least one enclosed garage parking space and such garages are to be leased, rented or sold with the applicable units.
 - No first floor building area exceeds 7,000 gross square feet and no building contains more than 14,000 gross square feet of floor area.
 - The fronts of all buildings face either a public street or an exclusive front yard area not less than twenty feet in depth and garage doors do not face the front.
 - A maximum of two front doors are provided with each building.
 - Each structure is designed to appear to be one single-family home (mansion).
- If Neighborhood Residential is proposed:
 - Buildings shall be constructed to a single-family residential scale. No first floor gross building area shall exceed 7,000 gross square feet. No building shall contain more than 14,000 gross square feet of floor area. No building shall be constructed to a height of greater than thirty-five (35) feet.
 - The front of all buildings shall face a public street or an exclusive front yard area for that building (not shared with another building) no less than twenty feet in depth and garage doors shall not be located on the front of the building.
 - Each residential structure is designed to appear to be one large single-family residence, but may be divided into multiple units, each with an individual entry.
 - Any additional parking facilities shall not be located between the building and the street.

_____ **Type 2**

- Accessory structures, if proposed, do not exceed 10% of the gross floor area of the primary building, or 120 square feet, whichever is greater (agricultural and recreational buildings are exempt).
- Major outdoor entertainment venues as a primary use are not proposed.
- No outdoor display, outdoor storage, container storage, overhead commercial service doors or outdoor fuel sales are proposed.
- Individual users are not proposed to exceed 40,000 square feet in gross floor area in any one building. Individual buildings are not proposed to exceed 60,000 sq. ft. in floor area. The building size limitation only applies to properties that abut property utilized for a single-family or two-family residences and zoned for single-family or two-family uses, including, land located within a Planned Unit Development (PUD) (the "Residentially Zoned Property"). The term Residentially Zoned Property excludes property that is zoned to Interim Zoning District SFR-1-B pursuant to Article II, Section 3 of this Ordinance, unless there is an approved concept plan, preliminary plat, final plat, or site development permit for single-family or two-family uses of such property.
- Dumpster enclosures, food waste containers, grease traps, outdoor seating associated with restaurants, loading areas, or similar improvements are not permitted within twenty (20') feet of a single-family residential district unless such district is utilized for a non-residential use.
- If multi-family is proposed:
 - At least seventy-five percent (75%) of the units are required to have at least one enclosed garage parking space and such garages are required to be leased, rented or sold with the applicable units.
 - Parking areas shall be no wider than two parking modules wide
- If Neighborhood Residential is proposed:
 - Buildings shall be constructed to a single-family residential scale. No first floor gross building area shall exceed 7,000 gross square feet. No building shall contain more than 14,000 gross square feet of floor area. No building shall be constructed to a height of greater than thirty-five (35) feet.
 - The front of all buildings shall face a public street or an exclusive front yard area for that building (not shared with another building) no less than twenty feet in depth and garage doors shall not be located on the front of the building.
 - Each residential structure is designed to appear to be one large single-family residence, but may be divided into multiple units, each with an individual entry.
 - Any additional parking facilities shall not be located between the building and the street.

_____ **Type 3**

- Accessory structures, if proposed, do not exceed 30% of the gross floor area of the primary building (agricultural and recreational buildings are exempt).
- Major outdoor entertainment venues as a primary use are not proposed.
- The area of any outdoor display of merchandise does not exceed 30% of the gross floor area of the building.
- The area of any outdoor storage or container storage does not exceed 20% of the gross floor area of the building, is located no closer to a street frontage than the primary building, is screened from view from adjacent properties and street(s) in accordance with landscape screening provisions and complies with required setbacks.

- The combination of outdoor display, outdoor storage and accessory buildings does not exceed 40% of the gross floor area of the primary building.
- Vehicle wash facilities are located no closer than 150 feet, and vehicle fueling is located no closer than 200 feet from a residential district unless such district is utilized for non-residential purposes.
- Any proposed outdoor animal boarding is located at least 200 feet from any residential district unless such district is utilized for non-residential uses.
- Dumpster enclosures, food waste containers, grease traps, outdoor seating associated with restaurants, loading areas, or similar improvements are not permitted within twenty (20') feet of a single-family residential district unless such district is utilized for a non-residential use.

Type 4

- The area of any outdoor storage or container storage does not exceed 60% of the gross floor area of the building, is located no closer to a street frontage than the primary building, is screened from view from adjacent properties and street(s) in accordance with landscape screening provision and complies with required setbacks.
- Accessory structures, if proposed, do not exceed 60% of the gross floor area of the primary building (agricultural and recreational buildings are exempt).
- The combination of outdoor storage and accessory buildings does not exceed 80% of the gross floor area of the building.
- Outdoor commercial fueling and washing of vehicles is proposed in compliance with Type 3 conditions.
- Any proposed outdoor animal boarding is located at least 200 feet from any residential district unless such district is utilized for non-residential uses.

Type 5

- Outdoor storage and container storage is screened from view in accordance with landscape screening provisions.
- Outdoor commercial fueling and washing of vehicles is proposed in compliance with Type 3 conditions.
- Any proposed outdoor animal boarding is located at least 200 feet from any residential district unless such district is utilized for non-residential uses.

- ___ 29. If the project is proposed to be developed in phases, a clear delineation of the phase lines is shown on the site plan. Provide the timing of the phases. The phasing plan may not exceed four years.
- ___ 30. If any of the following uses are proposed, a Special Use Permit has been applied for:
- Airport, landing field, landing strip, amusement park, circus, carnival, temporary or seasonal development, private community building or recreation field, radio or TV tower or station, drive-in theater on less than ten acres, cemeteries, kiosks or other temporary or seasonal open air vending, accessory buildings that exceed permitted sizes, residential uses on the first floor of non-residential districts (unless permitted by the use component), tents or other temporary structures not permitted by the zoning ordinance, temporary residential use of a travel trailer or recreational vehicle.
- ___ 31. Enclosed accessory buildings are not shown in front of or to the side of the main building and do not exceed fifteen feet in height.
- ___ 32. Show the location and description of any proposed fencing and provide a detail. If chain link fencing is proposed, it is not located around a detention or WQ pond and all parts of the fence are vinyl coated.
- ___ 33. No fencing is proposed within the front or side street setback.
- ___ 34. Garbage dumpsters are located no closer to a roadway than the front wall of the principal structure located closest to the roadway. Garbage dumpsters are screened by a wall (comprised of masonry compatible with the structure or WoodCrete) at least as high as the container. The open side to the dumpster or other trash receptacle is a gate constructed of solid wood or metal. The dumpster is oriented for pickup by a front load garbage truck. For 90 gallon roll out container stored outside, it is required to be enclosed by privacy fence.
- ___ 35. Air conditioning units are not shown forward of the front wall of the building.
- ___ 36. For projects that are within 400 feet of US 183, US 183A, Lakeline Blvd., RM 2243, Old 2243 West, Bagdad Rd., Crystal Falls or San Gabriel Parkway, the following uses are not proposed or permitted: mini-warehouse or self-storage facilities, boat and RV storage, material salvage unless enclosed within a building, sexually-oriented businesses, motor vehicle salvage.
- ___ 37. Warehouse, mini-warehouse and overhead (commercial service) doors shall not be oriented so as to face a street(s) or residential property or shall be screened from view from the street(s) or residential property unless the Director of Planning determines that there is no other feasible alternative. The Director of Planning may also approve decorative overhead doors in lieu of screening when the doors are oriented towards the street on a case by case basis.

ADDRESS PLAN:

- ___ 1. Provide an address plan that demonstrates the building and unit numbers. Coordinate the addressing with the GIS Division (GIS@leandertx.gov).

UTILITY PLAN:

- ___ 1. Provider or method of proposed water and wastewater service is identified.

- ___ 2. The layout, size and specific location of proposed water mains, wastewater lines, lift stations and other related structures are shown.
- ___ 3. The location of existing and proposed fire hydrants, valves, meters and other appurtenances is shown.
- ___ 4. Location of Double Check Valve Backflow Prevention Assembly in accordance with AWWA Standard C510-92 (if applicable) is shown.
- ___ 5. Design details showing the connection with the existing City water system are provided.
- ___ 6. Plan and profile drawings for each utility in public ROW or public utility easements showing existing ground level elevation at centerline of pipe, pipe size and flow line elevation at all bends, any conflicts with other underground elements such as conflicting utilities with accurate dimension between outer diameter of the proposed utility and the outer edge of the conflicting element, drops, turns and at 50 foot intervals are provided.
- ___ 7. Detailed designs for lift stations, or other special wastewater appurtenances if applicable, are provided.
- ___ 8. Utility demand data, calculations supporting water system design (which will be used to support the water meter sizing), sanitary system design, storm system design,

ROAD, SIDEWALK CLOSURE, & TRAFFIC CONTROL PLAN:

- ___ 1. Provide a road closure plan if a road closure is necessary during construction.
- ___ 2. If applicable, a Site specific Traffic Control Plan shall be submitted as part of this set of plans.
- ___ 3. If an existing sidewalk is required to be closed during construction, provide an alternative plan.
- ___ 4. Provide a sidewalk control plan to demonstrate alternative routes during construction if access to the sidewalk is disrupted.
- ___ 5. If the project impacts existing school zones, they include any necessary signage and/or striping.

STANDARD DETAILS:

- ___ 1. Insert the applicable City of Leander Standard Details. These details may be found online at <http://www.leandertx.gov/engineering/page/standard-details>.

LANDSCAPE PLAN:

- ___ 1. Calculations of required and provided landscaping, including trees, shrubs and replacement tree calculations are provided as follows (show areas proposed to meet landscape area requirements as shaded on the landscape plan).
 - Landscaped area is provided equal to or exceeding the following percentages of total developed lot area (Note: If only a portion of the lot is developed and the remainder is reserved for future development of an additional phase, show the developed lot area as just the phase currently proposed for development and show a clear phase boundary line):
 - Multifamily – 20%
 - Office and Professional – 15%
 - Commercial – 15%
 - Industrial or manufacturing – 10%
 - Schools, churches, community centers and private parks – 15%
 - The following have not been counted toward landscape requirements:
 - Detention and water quality unless meeting the standards of the landscape ordinance.
 - Utility, mechanical and electrical facilities.
 - Sidewalks or paved areas except decorative pavers not exceeding 10% of required landscape area.
 - Landscaped areas less than four feet in width.
 - For every 600 square feet of landscaped area required by the ordinance (including required setbacks of the zoning ordinance even if such setbacks exceed the minimum required landscape area), 2 shade trees (two inch caliper minimum) and 4 shrubs (five gallon size) are installed (school facilities install 50% of that standard).
 - If the exterior surface area of all walls for non-residential or multi-family buildings / structures are comprised of one hundred (100%) percent Masonry, then the ratio may be reduced to one (1) shade tree per six hundred (600) square feet in the front setback.
 - Side setbacks within a commercial development that are not adjacent to residential properties are not required to include landscaping at the above ratio within the side setback. This provision applies to commercial center developments made up of commercial lots with shared parking lots.
 - a. To allow for larger landscaped activity areas at school facilities, for every 600 sq. ft. of landscaping required by this section, 1 tree and 3 shrubs (five gallon container size or larger) shall be planted.
 - b. To reduce the thermal impact of unshaded parking lots, additional trees shall be planted as necessary so that the center point of each parking space is no more than 50 feet away from the trunk of a tree.
 - c. If street trees are proposed, the street trees may be planted between the sidewalk and back of curb (or edge of pavement) in accordance with the City's street tree detail. Street trees are not required, but if they are proposed

the street tree species shall be consistent on both sides of the street within a block, shall be a street tree species listed in the preferred plant list, and shall be specified in the Construction Plans for the subdivision (if applicable). Street tree spacing shall not exceed thirty (30) feet on center between trees on the same side of the street. Street trees may be counted toward the required tree plantings within the front or street side setback area.

- Compatibility buffer for uses other than single-family or two-family development:
 - a. A compatibility buffer shall be composed of a landscape buffer and a compatibility fence as provided Article VI, Section 14 (d) of this ordinance. Compatibility buffering is intended to minimize the effects of non-residential and multi-family uses which share a common lot line with existing or planned single-family or two-family uses.
 - b. Landscape buffer: A landscape area of at least eight (8') feet wide shall be provided that includes the following plantings per every six hundred (600) square feet:
 - (i) Two (2) shade trees (two (2) inch caliper or larger)
 - (ii) Four (4) shrubs (five (5) gallon container size or larger) – shrubs are not required if when a masonry screening wall is provided as provided in Article VI, Section 14 (d) of this ordinance.
- At least 75% of the required trees are required to be significant trees large trees/shade trees (as defined by the Grow Green Guide), the remaining trees may be small trees or ornamental trees all of which shall be selected from the preferred plant list or Grow Green Guide. Two ten gallon ornamental trees are permitted to be substituted for each shade tree as long as at least half of the required number of shade trees are installed. Retained trees and shrubs may be counted toward landscape requirements.
- Existing significant trees and shrubs that are retained in healthy condition may count toward fulfillment of these requirements. In calculating the credit from existing significant trees and shrubs that are retained, shrubs shall be credited on a one (1) for one (1) basis if such shrub is equivalent or greater in size to a comparable five (5) gallon container grown shrub. Trees shall be credited on a caliper inch basis (for every one (1) caliper inch of a tree that is saved, credit shall be given for one (1) caliper inch of a tree required to be planted), with saved significant trees over eighteen (18) caliper counting on a one for two basis (for every one caliper inch of a significant tree over eighteen (18) caliper that is saved, credit shall be given for two (2) caliper inches of a tree required to be planted).
- Street trees shall be planted between the sidewalk and back of curb (or edge of pavement) in accordance with the City's street tree detail. Street tree species shall be consistent on both sides of the street within a block, shall be a street tree species listed in the preferred plant list, and shall be specified in the Construction Plans for the subdivision (if applicable). Street tree spacing shall not exceed thirty (30) feet on center between trees on the same side of the street. Street trees may be counted toward the required tree plantings within the front or street side setback area.
- A 3:1 (inches planted to inches removed) replacement and at mitigation fee in the amount of \$300 per caliper inch removed for heritage trees 26 inches in caliper and larger.
 - Heritage tree (over 26 inches in caliper or larger) removal requests requires approval by the Planning and Zoning Commission and City Council. The public hearing fees and the following tree removal fees apply: \$250.00 per tree.
- A 2:1 (inches planted to inches removed) replacement for significant trees 18 inches in caliper to 26 inches in caliper.
 - Significant tree (over 18 inches in caliper or larger) removal requests requires approval by the Planning and Zoning Commission. The public hearing fees and the following tree removal fees apply: \$250.00 for the first tree plus \$100.00 for each additional tree.
- A 1:1 replacement if more than 50% of the caliper inches of significant trees between 8 and 18 inches caliper are proposed to be removed.
- 50% of the required landscaped area and required plantings are shown to be installed between the front property line and the building(s).

___ 2. Turfgrass:

- All turfgrass installed shall have summer dormancy capabilities and shall be one of the varieties set forth in the preferred plant list maintained by the Planning Department or the Grow Green Guide. Buffalo grass, zoysia grass or non-seeding varieties of Bermuda grass are recommended for sunny sections of the landscape.
- Turfgrass shall be limited to no more than fifty (50%) of any landscape area. Alternative options to turfgrass can include native and adaptive landscape plants as specified in the Grow Green Guide, mulch, crushed granite, Decorative Groundcover, or similar material. No more than fifty (50%) percent of the lot may consist of non-plant material.
- Turf grass shall be prohibited in strips of land less than six (6') feet wide in parking areas or between sidewalks and pavement.
- Turf grass shall be limited to fifty (50%) percent landscape lots, open space lots, greenspace, and Home Owners Association (HOA) lots.

___ 3. Existing significant trees of 8 inch caliper and larger (including species and size) located within the impact zone of proposed construction are shown and accurately located on the site plan.

- ___ 4. Significant trees to be removed are identified. A tree is considered to be removed if more than 50% of the critical root zone area is disturbed or covered with pavement, structures or other impervious surface. The radius of the critical root zone is calculated as the diameter of the tree trunk times 12.
- ___ 5. Replacement trees are a minimum 2-inch caliper. Any significant tree greater than two inches in diameter that is not required to be retained as described above may be utilized as a replacement tree or toward the required tree plantings if properly protected and in healthy condition.
- ___ 6. A minimum pervious area 3 feet in radius and not less than 50% of the calculated drip line area is provided around the trunks of all existing and proposed trees.
- ___ 7. Additional trees are shown as necessary so that the centerpoint of every parking space is within 50' of a tree.
- ___ 8. No landscaping over 3 feet high is located within 40 feet of the intersection of any street. (Measured from the edge of pavement as if the curbs or pavement edges are not rounded off and intersect at a right angle).
- ___ 9. All plantings are identified by name, quantity and container size and are included in the *Preferred Plant List* of the *Grow Green Guide*.
- ___ 10. The location of an automatic irrigation system is shown to be provided (unless low water use plantings are proposed or if the lot is less than one acre in size). (An irrigation permit is required.)
- ___ 11. Show the screening of off-street parking areas, loading spaces and docks, refuse containers, outside storage areas and storage containers, antennas, mechanical equipment, metal siding and the rear of structures on reverse frontage lots from view from adjacent streets or residential areas is provided through the use of fences, evergreen plantings, landscape berms and/or existing vegetation. If a fence is utilized, the finished side of the fence faces away from the screened object. If the outdoor storage is adjacent to an arterial or collector roadway, then the wall is required to be constructed of one or more of the following materials: brick, stone, cast stone, stucco (limited to 35% of the exterior surface area of walls), factory tinted (not painted) split face concrete masonry unit, or other similar material approved by the Director of Planning. In addition to the materials listed above, textured pre-cast concrete is also permitted when the wall is adjacent to collectors. A five foot wide landscape buffer is located outside the fence so that it is visible from the designated roadway and consists of the landscape materials required by the Landscape Ordinance (a landscaped buffer is not required if the fence is on a rear lot line).
- ___ 12. Provide the following notes:

The developer and subsequent owners 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 irrigation 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.

(In the event that an automatic irrigation system is not proposed, please modify the above note accordingly.)

Tree caliper is the trunk diameter of a tree at twelve (12") inches above natural grade per the Composite Zoning Ordinance.

Specifications are provided showing a minimum 6-inch topsoil depth will be provided in all landscaped areas and mulch will be provided around plantings. Provide the following note:

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

All disturbed areas and ROW will be re-vegetated by the developer.

All invasive species shall be removed from the property.

No more than 50% of the same species may be planted to meet the tree planting requirements.

In the event of a conflict with tree removal/preservation call outs on plan sheet(s) versus tree removal/preservation matrix, the tree removal/preservation matrix shall apply. It is the contractors responsibility to verify with City staff should any inconsistency exist within an approved plan set. No in-field changes are made to approved plans, no exceptions.

- ___ 13. Invasive Species: Multi-Family and non-residential projects are required to remove all invasive species for the portion of the project identified within the limits of construction.

- ___ 14. Tree Diversification: No more than fifty (50%) percent of the same species may be planted to meet the tree planting requirements.
- ___ 15. If a non-residential use is proposed adjacent to property utilized for a single-family or two-family residence on land zoned for such, or land planned or platted for such, a six-foot privacy wall is shown along the common property line unless an existing structure is proposed to be expanded by less than 50%, or 1,000 sq. ft., whichever is less. 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.

PARK PLAN:

- ___ 1. A Parks Plan is required for all developments that include residential uses. The Parks Plan sheet shall include the following items:
- ☐ Location of parkland including for proposed private parkland and public parkland. Please refer to the Leander Parks, Public Spaces, & Recreation Comprehensive Plan to identify any required improvements.
 - ☐ Location of all required public trails as shown in the Leander Parks, Public Spaces, & Recreation Comprehensive Plan and Transportation Master Plan.
 - ☐ Parks Plan Matrix including the total number of units, required amount of parkland dedication, proposed amount of parkland dedication, calculation of park improvements, and a phasing plan.
- ___ 2. Parkland is calculated as 7.5 acres per each 100 dwelling units. A payment of fee in lieu of parkland is an option at a rate of \$1,676.60 for Williamson County or \$2,355.13 for Travis County
- ___ 3. Park Improvements shall provide up to 50% for the development of amenities and improvements on dedicated land to meet the standards for a neighborhood park. The remaining 50% shall be placed
- ___ 4. Standards for Dedication of Parkland
- ☐ Land dedication shall be a single lot based on the unit calculation unless otherwise approved by the City.
 - ☐ Public access to parkland shall be provided at least 25% of the perimeter boundary of the park with street frontage or as determined by the City.
 - ☐ Parkland shall not be encumbered by overhead utilities or easements, no more than 2 sides of the park may be adjacent to sides or rears of homes, and must have a visible and attractive means of ingress and egress.
 - ☐ Land dedication of trail corridors identified on the Leander Parks, Public Spaces, & Recreation Comprehensive Plan and Transportation Master Plan. Developers are responsible for preserving the natural character of the trail corridor and dedication the required right-of-way.
 - ☐ Land within the 100 year floodplain and land that has a greater than 15% slope may constitute, in total, not more than 33% of land dedication requirement.
- ___ 5. Drainage ditches, detention ponds, power line easements, and similar sites shall not be accepted for parkland dedication, unless 75% of more of the active and usable area is designed for recreational use and the Parks Department finds that the land has exceptional recreational value that warrants acceptance as parkland.

MASTER ARCHITECTURAL PLAN:

- ___ 1. Master Architectural Plan:
- ☐ The intent of the Master Architectural Plan is to provide for a cohesive development on all four corners at the intersections of arterials and collectors. This plan should incorporate common elements that evoke a sense of place and have elements that contribute to cohesive identity.
 - ☐ Development on all four corners of intersections of arterials and collectors shall provide and comply with a Master Architectural Plan that incorporates the following:
 - Exterior building materials used on the exterior of each structure
 - Exterior building color palettes
 - Exterior elements of building facades such as wall accents, covered entries, columns, or other features
 - Other elements as approved by the Director of Planning.
 - ☐ Development at these intersections shall comply with the plan after the date of the initial submittal of a Master Architectural Plan.
 - ☐ This plan shall be submitted with the site development permit for the project. The plan may be amended as the intersection develops to incorporate additional standards.

MAJOR CORRIDOR STREETSCAPE PLAN:

- ___ 1. Major Corridor Streetscape Standards:
- ☐ Major corridors include all arterials identified on the City's Transportation Plan.
 - ☐ All development adjacent to a corridor shall install street trees between the back of curb or edge of pavement and the required sidewalk in accordance with the City's street tree detail. The trunk of the street tree shall be no closer than 3 feet from the back of curb or edge of pavement and no further than eight (8) feet; the Director of Planning may approve alternative locations if specific conditions warrant. Street tree species shall be consistent on both sides of the corridor, species may change at a street intersection, however major intersection shall comply with the major intersection standards in this section. Street trees shall be spaced no more than thirty (30) feet on center and shall be in a straight line along the corridor.
 - ☐ If a parking lot is located between the right-of-way and a building along a corridor, the parking lot must be fully screened from view of the corridor to a height of four (4) feet with one or more of the following elements:
 - a four (4) foot tall masonry screening wall located at or behind the required parking setback

- a berm with landscaping that measures at least four (4) feet tall at the top of the landscaping located within the required front setback area
- ❑ In addition to other restrictions in this ordinance, the following items shall not be located between a primary building and the right-of-way along a major corridor:
 - mechanical equipment other than that of a public utility
 - drive-through service lanes or queuing spaces
 - accessory structures
- ❑ The following standards apply to the screening of the rear or service side of buildings along a Major Corridor:
 - the rear or service side of a building may not face a Major Corridor within four hundred (400) feet of the corridor's right-of-way.
 - loading areas and service drives must be screened from view of the Major Corridor with landscaping that is six (6) feet tall at installation or a wing wall that extends from the building that is a minimum of six (6) feet tall and constructed of the same or significantly similar materials as the primary building.
- ❑ The following standards shall apply to all major intersections along the corridor:
 - major intersections are those intersections with other major corridors or collector roads
 - all four corners of a major intersection shall have a coordinated landscape design
 - all four corners of a major intersection shall include identity monument signs which shall be coordinated and consistent in design and materials
 - identity monument signs may include the name and/or logo of the adjacent development and shall include the City of Leander logo
- ❑ Major Corridors shall comply with the following landscape and hardscape materials requirements
 - each major corridor shall have a primary landscape and hardscape materials palette
 - landscaping and hardscaping (including walls and planters) within the right-of-way and front setback of all properties along a major corridor shall comply with the corridor materials palette the corridor materials palette shall be maintained by the Planning Department
- ❑ Walls constructed along Major Corridors shall meet the following requirements in addition to any other requirements of this ordinance.
 - all walls constructed parallel to a major corridor shall comply with the corridor materials palette
 - walls that continue from one development or property to another within the same block shall continue the same material and design
 - wall material or design may change in a new block as long as the materials are consistent with the materials palette for the corridor

EARLY GRADING PHASE (OPTIONAL)

An early grading phase permit may be proposed as part of a site development permit if the project meets the following criteria:

- Early Grading Phase Plans are only permitted for non-residential uses and only allows for the following activities:
 - Excavation, placement, and compaction of natural earth materials to subgrade elevation. No other construction activities are permitted.
 - Demolition of existing structures and improvements.
 - Removal of vegetation with required tree removal approvals.
- The review of the site development permit shall be substantially complete including the confirmation that the following requirements have been met:
 - All substantial comments have been cleared as determined by the Development Services Review Committee;
 - The site development plans are in compliance with the setback requirements and drainage requirements;
 - Tree preservation plan is approved and mitigation fees paid;
 - Erosion & Sedimentation Plan comments have been cleared and the SWWP has been accepted.
 - All required fees have been paid associated with the site development permit including the additional early grading phase permit fee.
 - Any required floodplain development permits have been issued.
 - All state and federal entities have approved the plans (i.e. TCEQ).
 - An early grading phase plan has been provided including the information listed in this submittal packet.
- Upon completion of the review of the early grading phase plans, an early grading phase permit may be issued. Prior to issuance, the following items shall be completed:
 - A cost estimate for revegetating the site signed and sealed by the project engineer shall be provided as well as a cash deposit equal to the cost estimate plus fifteen (15%) shall be submitted. This deposit shall be held until site completion and then returned to the payee upon issuance of the certificate of completion for the site.
 - An erosion control inspection shall be completed and approved;
 - A pre-construction meeting shall be held; and
 - A early grading permit shall be issued that is signed by the property owner and site contractor conducting the grading. This permit shall include conditions confirming that the permit only allows for grading, requirements for revegetation if the construction activity ceases for more than fourteen (14) days, and confirm that this permit is issued at the risk of the developer. In the event that the plans change after the grading has started, compliance with all ordinances and requirements is still required.

EARLY GRADING PHASE COVER SHEET

- ___ 1. Title block including the following in the top center of the page.
Project Name
Early Grading Phase Plan
Site Development Project Number (This number will be assigned during the first review of the plan set)
- ___ 2. Location sketch below the title block. This sketch shall show relation of the subdivision to streets and other prominent features in all directions for a radius of at least one (1) mile using a scale of one inch equals two thousand feet (1"=2,000'). The latest edition of the USGS 7.5 minute quadrangle map is recommended.
- ___ 3. Project information below the location sketch including the following:
- Property owner name, address, and phone number
 - Engineer name, address, and phone number
 - Geotechnical Engineer name, address, and phone number
 - Surveyor name, address, and phone number
 - Developer/Agent name, address, and phone number
 - Property information including legal description
- ___ 4. Index on the right side of the sheet name and number.
- ___ 5. Example cover sheet:

Project Name Early Grading Phase Plan Project Number		
Project Information	Location Sketch	Index
Revision Block	Signature Block	Approval 1 of 1

- ___ 6. Include the following signature block in the upper left corner.

APPROVAL FOR EARLY GRADING ONLY BY:

Robin M. Griffin, AICP, Executive Director of Development Services

Date

Emily Truman, P.E., CFM, City Engineer

Date

- ___ 7. Revision block below the below including the following.

Revision #	Description	Approval

GENERAL NOTES

- ___ 1. Include the following Early Grading Phase Notes:
1. This permit is for Early Grading ONLY. No infrastructure construction that requires the City of Leander inspection is authorized by this permit.
 2. Avoid any areas that alter drainage patterns.
 3. Avoid any areas that alter the current spread of runoff (avoid concentration of flow).
 4. Grading will be at Developer's risk until the City has approved the site development or construction plans.
 5. The fill/graded area shall be revegetated upon completion of grading and prior to removal of erosion control measures.
 6. Permit expires 180 days after issuance unless an extension is granted in writing.
 7. Each existing utility in the work area must be notified and all utilities must be located prior to start of early grading.
 8. Early grading phase permits allows for grading to subgrade elevation only. No select fill, road base or building pad construction is allowed under this permit. No utility construction or installation is allowed.

EXISTING CONDITIONS & DEMOLITION PLAN

- ___ 1. Survey including the existing conditions such as easements, improvements such as utilities, buildings and pavement.
- ___ 2. Identify improvements proposed for demolition.

EROSION CONTROL & SEDIMENTATION PLAN

- ___ 1. This sheet shall be a stand alone sheet that only includes Erosion and Sedimentation Control information.
- ___ 2. Proposed fill or other structure elevating techniques, levees, channel modifications and detention facilities is shown.
- ___ 3. Existing and proposed topographic conditions with vertical intervals not greater than one (1) foot referenced to a United States Geological Survey or Coastal and Geodetic Survey bench mark or monument.
- ___ 4. The location, size, and character of all temporary and permanent erosion and sediment control facilities with specifications detailing all on-site erosion control measures which will be established and maintained during all periods of development and construction are shown.
- ___ 5. Contractor staging areas, vehicle access areas, temporary and permanent spoils storage areas are identified.
- ___ 6. A plan for restoration for the mitigation of erosion in all areas disturbed during construction is provided.
- ___ 7. Identify at least one construction entrance on the erosion and sediment control site plan.
- ___ 8. Identify the locations of the erosion and sediment controls used on the site. Use standard symbols, specification numbers, and abbreviations as applicable. All items not related to the erosion/sediment control plan must be omitted from the legend and drawing.
- ___ 9. Identify each phase of the erosion and sediment control plan implementation. Phase I should show the existing conditions with the initial controls. The subsequent phases should be shown in a manner that take into account a logical progression of work while controls are maintained to protect from offsite damage. The final phase should show all temporary controls removed and all permanent controls in place.
- ___ 10. Provide the following note:
The City of Leander environmental inspector has the authority to add or modify erosion/sediment controls on site throughout the duration of the project.

ROUGH DRAINAGE PLAN

- ___ 1. Identify rough drainage patterns with flow arrows and existing drainage structures.

EARLY GRADING PHASE PLAN

- ___ 1. Scale 1" = some number of feet divisible by 10 (not smaller than 1" = 60') and labeled on plan.
- ___ 2. North arrow.
- ___ 3. Boundary lines (drawn with heavy line) with metes and bounds description.
- ___ 4. Property lines of adjacent properties showing (where applicable) the names of adjacent plats.
- ___ 5. Identify the limits of the early grading phase plan.
- ___ 6. Identify all tree preservation and protection.
- ___ 7. Existing and proposed topographic conditions indicating one (1) foot contour intervals for slopes less than 5%, two (2) foot contour intervals for slopes between 5% and 10%, and five (5) foot contour intervals for slopes exceeding 10%, and referenced to a United States Geological Survey or Coastal and Geodetic Survey bench mark or monument. Proposed grade and contours are for rough grading elevation only, not finished grade.
- ___ 8. Location of the regulatory 100-year floodplain (if any) is provided.
- ___ 9. Provide the following notes:
Approval of this plan applies only to excavation, placement, and compaction of natural earth materials to subgrade elevation. No other construction activities are authorized.

PUBLIC ART (OPTIONAL)

- ___ 1. Consider contributing one (1%) percent of the construction/reconstruction costs of the commercial structure, up to, but not limited to, two hundred thousand dollars (\$200,000).
- ___ 2. Consider contributing one (1%) percent of the phased project construction cost construction/reconstruction costs up to but not limited to two hundred thousand dollars (\$200,000.00) for the Phase.
- ___ 3. Consider donating to the Public Art Fund an amount equal to the percentage of the construction cost of the commercial structure as a charitable donation, if they do not wish to have fine art located on their property.

INFORMATION ABOUT THE PUBLIC ART COMMITTEE (LPAC)

The Leander Public Art Committee (LPAC):

- Encourages public & private programs that develop visual & performing arts;
- Recommends cultural & artistic endeavors to City Manager and Council;
- Advocates and advises on cultural and artistic endeavors;
- Encourages donations, grants and other art support; and
- Monitors the Public Art Initiative.

The intent of LPAC is to enhance the aesthetic environment and encourage private developers/owners to provide/promote works of art and donate to the City's Public Art Fund. LPAC encourages the Private Sector to

- Encourage investment of time, effort and money into the art displayed on their sites;
- Recognize that art is intrinsically valuable to the Cityscape;
- Incorporate visual art in the design & construction of facilities; and
- Expand the public's experience & exposure to culture through various art forms.

The Public Art Fund shall be used solely for the selection, commission, acquisition, installation, maintenance, administration and insurance of the works of art or in relation thereto. Contact Mark Tummons, Parks & Recreation Director for more information (512-528-2971 or golmer@leandertx.gov).

FINAL SUBMITTAL REVIEW

To expedite the review process, staff has implemented a Final Submittal Review Process. This process replaces the regular review cycle and submittal cycle. Only projects that are subject to the Alternative Review Procedure are eligible for this process. Instead of providing a formal submittal, the applicant may drop off the items listed below for an expedited review. Projects are eligible for final submittal meetings when there are only a few minor comments remaining. Staff will notify the applicant in the comment letter when they are eligible.

Items to submit through the Development Hub:

- ☐ One final set of plans
- ☐ A comment response letter indicating how the staff comments were addressed.

REQUIREMENTS FOR ISSUANCE OF SITE DEVELOPMENT PERMIT:

- Submittal of one final set of plans for signatures. These plans will be returned to the applicant after they are approved and signed.
- The Erosion Control Inspection must be completed prior to scheduling the pre-construction meeting. Please contact the Stormwater Inspector to schedule.
- To schedule a pre-construction meeting, the following items must be provided:
 1. Two printed copies of the approved and signed plans.
 2. Upload the following items to the Development Hub:
 - Scan of the final approved site development plan as a PDF and AutoCAD formats. Plans must be scanned at 300 dpi to the original approved scale.
 - Storm Water Pollution Prevention Plan (SWPPP) for review by the Stormwater Inspector
 - All final copies of engineering reports and memos (ex. Drainage Report, TIA, Geotech Report, Lift Station Report, etc)
 3. Submittal of any outstanding fees including roadway improvement fees and review fees.
 4. Approved SWPPP. Prior to the City's approval of the site development permit, provide documentation from the appropriate water quality regulating entity, TCEQ Edwards Aquifer or LCRA Highland lakes, that the project is approved or exempt.
- The Site Development Permit shall be issued during the pre-construction meeting.
- Permits cannot be issued in subdivisions that are not accepted for maintenance by the City, for improvements on illegal tracts (not legally subdivided) or for improvements on land that does not have the proper zoning classification.
- The site shall not be occupied until all final site inspections are approved and a certificate of completion (CC) is issued.
- If the project is eligible for a conditional certificate of completion, there is a fee of 30% of the review fee. The Composite Zoning Ordinance requirements also apply.
- An engineering concurrence letter and landscape concurrence letter will be required prior to the issuance of the certificate of completion.
- **Construction may not start until after the pre-construction meeting and the Site Development Permit is issued.**

CONFLICT OF INTEREST DISCLOSURES

Please submit at the time of submission of application and update disclosures within 7 business days after the date of an event that would make a statement in the questionnaire incomplete or inaccurate.

ARTICLE 9.05, CITY CODE OF ORDINANCES – CODE OF ETHICS:

<http://z2codes.franklinlegal.net/franklin/Z2Browser2.html?showset=leanderset>

▪ **Ethics Ordinance – Disclosure Statements**

The City's Ethics Ordinance requires persons seeking to enter discretionary contracts with the City or appearing before the City Council or another City board or body to disclose certain relationships and conflicts of interest. The relevant sections of the Ethics Ordinance are set forth below. The Ethics Ordinance can be found in Article 9.05, Chapter 9 of the City's Code of Ordinances at the above link.

Sec. 9.05.007 Persons doing business with the city

(a) Persons seeking discretionary contracts.

(1) For the purpose of assisting the city in the enforcement of provisions contained in this article, an individual or business entity seeking a discretionary contract from the city is required to disclose in connection with a proposal for a discretionary contract any conflict of interest. This is set forth in [sections 9.05.004](#) and [9.05.005](#) of this article. Further, the individual or business entity agree to abide by the same ethical standards as set forth for public servants in this article.

(2) Subsection (a) of this section will become a permanent footnote on documents contained in city bid packets for discretionary contracts.

(b) Disclosure of conflicts of interest by persons appearing before a board or city body. A person appearing before any city board or other city body for the purpose of doing business with the city shall disclose to that board or body any facts known to such person which may show or establish that:

- (1) An employee or officer of the city that advises or makes presentations to the board or city body; or
- (2) Any member of the board or city body;

has or may have a conflict of interest pursuant to chapter 171, Tex. Loc. Gov't. Code, or an interest which would violate the ethical standards set forth in this article, if he or she were to participate in the processing or consideration of the subject matter.

Sec. 9.05.009(f) Disclosure by persons appearing before a city body. Any person who appears before any city body who has had business dealings within the preceding 12-month period involving one or more transactions of five hundred dollars (\$500.00) or more each quarter, or for a total of twenty-five hundred dollars (\$2,500.00) or more, within the preceding 12-month period with a councilmember, commissioner, or business entity in which a councilmember or commissioner has a substantial interest, shall disclose such business dealings at the time of the appearance. Any person who shall intentionally or knowingly fail to make the aforesaid disclosure shall be guilty of a misdemeanor and shall be fined in accordance with this article.

PROJECT NAME: _____

DRY UTILITY PERMIT

APPLICATION & CHECKLIST SUBMITTAL PACKET

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GENERAL INFORMATION

A Dry Utility Permit includes dry utilities such as cable, gas, electric, etc. This type of submittal is required for the installation of dry utilities with the right-of-way (ROW) or on private property within an easement. Dry utilities shall be location underground in the ROW, overlash may be permitted between existing utility poles where existing lines are present. Overlash means the tying of additional communications facilities to those previously attached to existing utility poles. New lines may not be extended across public ROW or between poles where lines do not already exist.

Contractors are required to carry liability insurance and list the city as additional insured during the construction of the project. Door hangers are required to be placed on all houses within any subdivision impacted by the dry utility permit a minimum of fifteen (15) days prior to the start of a dry utility project. These door hangers shall include the name of the dry utility provider and phone number, and the time frame for the work.

Penalties:

- (1) Damage to property
 - a. If public or private property is damaged during installation of dry utilities, the utility provider, contractor, and/or sub-contractor shall be responsible for repair.
 - b. No additional applications will be accepted for review or permits issued until damage is repaired.
- (2) Work without permit
 - a. No additional applications will be accepted for review or permits issued until the plans are submitted and a permit is issued.
- (3) Stagnant project: If works stops for more than two (2) weeks, all construction equipment, spoils, and debris shall be removed and the site shall be revegetated and restored.

A Development Hub Account is required to be created for the provider, contractor and agent.

HELPFUL LINKS



- Development Services – www.leandertx.gov/ds. Includes links to the following:
 - Development Process – Applications, Submittal Schedule
 - Planning Department: Zoning, Subdivision, Site Development, Current Developments
 - Building Permits & Inspections: Building Permits, Impact Fees
 - Engineering Department
 - Maps & Guides – Comprehensive Plan, Transportation Plan, Development Guide, Transportation Criteria Manual, Drainage Criteria Manual
- Fire: www.leandertx.gov/fire
- Parks: www.leandertx.gov/parksrec
- Development Hub – Application Portal: www.leandertx.gov/hubgo

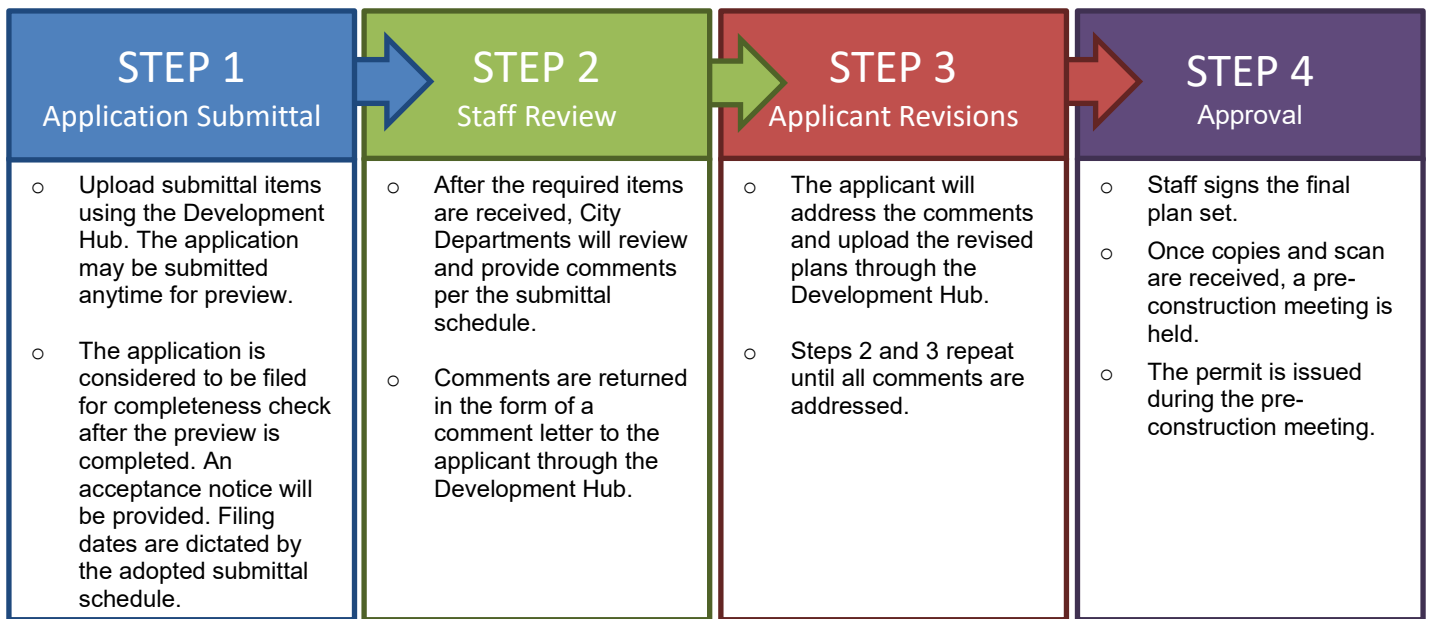
CONTACT INFORMATION

Please contact the Development Services Department by emailing planning@leandertx.gov with any questions regarding this application.

INSTRUCTIONS

- Fill out the following application and checklist completely prior to submission.
- Current applications and City ordinances may be found on the City's website (<http://www.leandertx.gov/ds>).
- Please refer to the "Submittal Schedule" for submittal deadlines. Applications may be submitted through the Development Hub at anytime for preview. Once all items are confirmed and accepted, the review process will start on the next available filing date as listed in the submittal schedule.
- This application only applies to utility improvements.
- All items listed in the "Required Items for Application Submittal" on [page 3](#) shall be uploaded to the Development Hub.

PROCESS OVERVIEW – ALTERNATIVE PROCEDURE



REQUIRED ITEMS FOR APPLICATION SUBMITTAL

REQUIRED ITEMS	PROVIDED	<i>Check each box if you have complied with that item. This application/checklist is only a guide. All state and local ordinances and code requirements cannot be reflected on this application/checklist. If there are any questions regarding the regulations, the applicant shall consult source law.</i>
	☐ ☐ ☐	

PROJECT INFORMATION

Property Description: _____

Brief Summary of Work: _____

APPLICANT INFORMATION

Project Agent: _____ Phone: _____ Fax: _____

Company Name: _____

Address: _____ City: _____ State: _____ Zip: _____

Email: _____ Mobile: _____ Pager: _____

I hereby attest that I prepared this application/checklist and that all information shown hereon is correct and complete to the best of my knowledge.

Signature Name (printed) Date

UPLOADED DOCUMENT REQUIREMENTS

1. All documents shall be in PDF format, using Arial font with a minimum resolution of 300 dpi. Additional items that are needed to support engineering studies may be submitted in their native format. (i.e. HEC Models, AutoCAD files etc)
2. All PDFs of plat documents shall be exports from AutoCAD and not scans of a printed document.
3. All PDFs shall be bookmarked.
4. All sheets must be facing the correct direction and pages shall be bookmarked with the title on each page.
5. Each upload shall include a descriptive name of the file including the associated number from the "Required Items" list on [page 3](#). Examples:
 - The application shall be identified as the application and include the creation date in MM.DD.YYYY format:
 1. Application 06.13.2022
 - The Dry Utility Plan shall be identified as the DU and include the creation date in MM.DD.YYYY format:
 2. Project Name DU 06.13.2022
 - Corrections shall include the version number in the title:
 2. Project Name DU V2 06.13.2022

DRY UTILITY REVIEW PROCEDURE

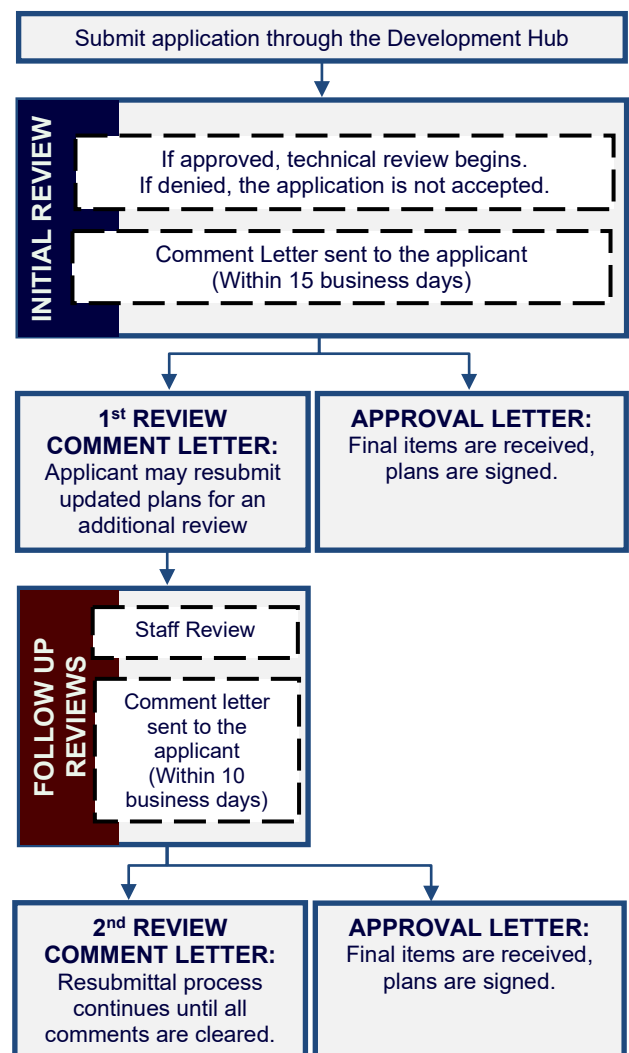
1. Submit required items through the Development Hub. These documents may be submitted at any time for preview. If the application substantially fails to meet the minimal informational requirements, then it will not be accepted for review.

If the application is determined to be complete, then it will be distributed for technical and content review (see requirements on [page 3](#)).

2. A comment letter will be generated within 15 business days of the filing date and sent to the applicant. If the application is disapproved, then the letter will list the deficiencies with Code references.
3. The applicant will resubmit the corrected plan set for review. Submittals may be submitted at any time, but will be accepted for review based per the adopted Submittal Schedule. The resubmittal will be reviewed for completeness within 5 business days. A complete submittal shall include the following:
 - a. Updated plans & supporting documents/materials
 - b. Written response letter identifying how the comments were addressed

If the items above are not provided, the re-submittal will be NOT be accepted.

4. A comment letter will be generated within 10 business days of the filing date. If the application is disapproved, the letter will list the deficiencies with Code references.
5. This process repeats until all comments are cleared.
6. If the comment letter indicates that the applicant is eligible for a final submittal review, please upload the following items:
 - a. Updated plans & supporting documents/materials
 - b. Comment response letter identifying how the comments were addressed
7. If the application is approved, then the final plan set needs to be submitted and routed for signatures.
8. The City will sign the plans and return them to the applicant.
9. A permit will be issued during the pre-construction meeting and construction may start after the issuance of the permit and inspection of erosion controls.



DRY UTILITY PERMIT CHECKLIST

Please note that this checklist is intended to describe the general scope of construction plan applications. Additional information may be required to assure ordinance compliance. The owner/agent shall initial each line item confirming the requested information is included with this application. All ordinance references are to the Subdivision Ordinance unless otherwise specified.

GENERAL:

- ___ 1. Each section heading represents a plan sheet associated with the submittal. The following sheets shall be included in the following order:
- ☐ Cover Sheet
 - ☐ Notes Page
 - ☐ Erosion & Sedimentation Control Plan
 - ☐ Utility Plan
 - ☐ Road & Sidewalk Closure Plan
 - ☐ Standard Details
 - ☐ Landscape Plan
- ___ 2. All sheets shall be numbered in numeric order without letters (e.g. 1, 2, 3, etc.), not C-1, E-1, etc. These numbers shall be provided in the bottom right corner of every sheet and include the total number of sheets.
- ___ 3. A 2" tall by 3" wide box shall be provided in the bottom right corner of every sheet for an approval stamp and initials (please see layout example in the Cover Sheet section of the application).

COVER SHEET

- ___ 1. Title block including the following in the top center of the page.
- Project Name*
Dry Utility Plans
Project Number (This number will be assigned during the first review of the plan set)
- ___ 2. Location sketch below the title block.
- ___ 3. Project information located at the top left corner of the cover sheet including the following:
- Property owner name, address, and phone number
 - Developer/Agent name, address, and phone number
 - Filing date
- ___ 4. Index on the right side of the sheet name and number.
- ___ 5. Include the following signature block in the center on the bottom of the page.

APPROVED BY:

Robin M. Griffin, AICP, Executive Director of Development Services

Date

Emily Truman, P.E., CFM, City Engineer

Date

Chief Joshua Davis, Fire Marshal

Date

- ___ 6. Revision block below the below including the following.

Revision #	Description	Approval

- ___ 7. Example cover sheet:

Project Name Dry Utility Plans Project Number		
Project Information	Location Sketch	Index
Revision Block	Signature Block	Approval
1 of 1		

DRY UTILITY NOTES:

- ___ 1. Insert the City of Leander Dry Utility Notes. These notes may be found online at <https://www.leandertx.gov/engineering/page/general-notes>.

EROSION & SEDIMENTATION CONTROLS:

- ___ 1. Proposed fill or other structure elevating techniques, levees, channel modifications and detention facilities is shown.
- ___ 2. The location, size, and character of all temporary and permanent erosion and sediment control facilities with specifications detailing all on-site erosion control measures which will be established and maintained during all periods of development and construction are shown.
- ___ 3. A plan for restoration for the mitigation of erosion in all areas disturbed during construction is provided.
- ___ 4. Identify at least one construction entrance on the erosion and sediment control site plan.
- ___ 5. Identify the locations of the erosion and sediment controls used on the site. Use standard symbols, specification numbers, and abbreviations as applicable. All items not related to the erosion/sediment control plan must be omitted from the legend and drawing.
- ___ 6. Identify each phase of the erosion and sediment control plan implementation. Phase I should show the existing conditions with the initial controls. The subsequent phases should be shown in a manner that take into account a logical progression of work while controls are maintained to protect from offsite damage. The final phase should show all temporary controls removed and all permanent controls in place.
- ___ 7. Provide the following note:
The City of Leander environmental inspector has the authority to add or modify erosion/sediment controls on site throughout the duration of the project.

UTILITY PLAN:

- ___ 1. Scale 1" = some number of feet divisible by 10 (not smaller than 1" = 60') and labeled on plan.
- ___ 2. North arrow.
- ___ 3. Boundary lines (drawn with heavy line) with metes and bounds description.
- ___ 4. Property lines of adjacent properties showing (where applicable) the names of adjacent plats.
- ___ 5. Identify all existing trees, existing public utilities and infrastructure (ex sidewalks, overhead utilities, street poles, waterlines, wastewater lines, etc), proposed dry utilities, pothole locations, and street names.
- ___ 6. Provide the following notes:
All site utility lines are proposed to be located underground unless overlash is approved as part of this permit.
No trees shall be removed as part of this permit unless a tree mitigation plan is approved.

ROAD & SIDEWALK CLOSURE PLAN:

- ___ 1. Provide a road closure plan if a road closure is necessary during construction.
- ___ 2. If an existing sidewalk is required to be closed during construction, provide an alternative plan.
- ___ 3. Provide a sidewalk control plan to demonstrate alternative routes during construction if access to the sidewalk is disrupted.
- ___ 4. If the project impacts existing school zones, they include any necessary signage and/or striping.

TREE MITIGATION PLAN (This section is only required if trees are proposed for removal):

- ___ 1. Calculations of required and provided landscaping, including trees, shrubs and replacement tree calculations are provided as follows (show areas proposed to meet landscape area requirements as shaded on the landscape plan).
- A 3:1 (inches planted to inches removed) replacement and at mitigation fee in the amount of \$300 per caliper inch removed for heritage trees 26 inches in caliper and larger.
 - Heritage tree (over 26 inches in caliper or larger) removal requests requires approval by the Planning and Zoning Commission and City Council. The public hearing fees and the following tree removal fees apply: \$250.00 per tree.
 - A 2:1 (inches planted to inches removed) replacement for significant trees 18 inches in caliper to 26 inches in caliper.
 - Significant tree (over 18 inches in caliper or larger) removal requests requires approval by the Planning and Zoning Commission. The public hearing fees and the following tree removal fees apply: \$250.00 for the first tree plus \$100.00 for each additional tree.

- A 1:1 replacement if more than 50% of the caliper inches of significant trees between 8 and 18 inches caliper are proposed to be removed.
- 50% of the required landscaped area and required plantings are shown to be installed between the front property line and the building(s).

- ___ 2. Existing significant trees of 8 inch caliper and larger (including species and size) located within the impact zone of proposed construction are shown and accurately located on the site plan.
- ___ 3. Significant trees to be removed are identified. A tree is considered to be removed if more than 50% of the critical root zone area is disturbed or covered with pavement, structures or other impervious surface. The radius of the critical root zone is calculated as the diameter of the tree trunk times 12.
- ___ 4. Replacement trees are a minimum 2-inch caliper. Any significant tree greater than two inches in diameter that is not required to be retained as described above may be utilized as a replacement tree or toward the required tree plantings if properly protected and in healthy condition.
- ___ 5. A minimum pervious area 3 feet in radius and not less than 50% of the calculated drip line area is provided around the trunks of all existing and proposed trees.
- ___ 6. All plantings are identified by name, quantity and container size and are included in the *Preferred Plant List* of the *Grow Green Guide*.
- ___ 7. The location of an automatic irrigation system is shown to be provided (unless low water use plantings are proposed or if the lot is less than one acre in size). (An irrigation permit is required.)
- ___ 8. Provide the following notes:

The developer and subsequent owners 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 irrigation 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.

(In the event that an automatic irrigation system is not proposed, please modify the above note accordingly.)

Tree caliper is the trunk diameter of a tree at four (4') feet above natural grade per the Composite Zoning Ordinance.

Specifications are provided showing a minimum 6-inch topsoil depth will be provided in all landscaped areas and mulch will be provided around plantings. Provide the following note:

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

All disturbed areas and ROW will be re-vegetated by the developer.

All invasive species shall be removed from the property.

No more than 50% of the same species may be planted to meet the tree planting requirements.

In the event of a conflict with tree removal/preservation call outs on plan sheet(s) versus tree removal/preservation matrix, the tree removal/preservation matrix shall apply. It is the contractors responsibility to verify with City staff should any inconsistency exist within an approved plan set. No in-field changes are made to approved plans, no exceptions.

REQUIREMENTS FOR ISSUANCE OF A DRY UTILITY PERMIT

- The city will sign the final plans and upload them to the Development Hub.
- To schedule a pre-construction meeting, the following items must be submitted:
 1. Contractor Liability Insurance with the city listed as additional insured.
 2. Door Hanger including name and phone number of contractor doing the work, the name of the dry utility provider and phone number and the time frame of work.
 3. Map showing the location of the Door Hangers.
 4. Approved SWPPP (if required)
- The Dry Utility Permit shall be issued during the pre-construction meeting.

- A certificate of completion (CC) shall be issued upon completion of the project. All construction equipment, spoils, and debris shall be removed and the site shall be revegetated and restored.
- An engineering concurrence letter and landscape concurrence letter will be required prior to the issuance of the certificate of completion.
- The contractor shall be in attendance at the pre-construction meeting.
- Construction shall begin within ninety (90) days after the pre-construction meeting, if construction has not started within the ninety (90) day period then another pre-construction meeting will be required prior to start of construction.
- **Construction may not start until after the pre-construction meeting and the Permit is issued.**

PRIOR START OF CONSTRUCTION

- Mark all proposed boring lines demonstrating where the conduit will be placed and identifying the depth of the lines.
- Door hangers shall be placed on all houses within any subdivision impacted by the dry utility permit a minimum of fifteen (15) days prior to the start of the dry utility project. These door hangers shall be the name and phone number of the contractor doing the work, the name of the dry utility provider and phone number and the time frame of work.
- Contact the Construction Inspector prior to the start of construction. The contact information for the Construction Inspector can be found on the sign in sheet completed during the pre-construction meeting.
- A Development Hub Account is required to be created for the provider, contractor and agent.

CONFLICT OF INTEREST DISCLOSURES

Please submit at the time of submission of application and update disclosures within 7 business days after the date of an event that would make a statement in the questionnaire incomplete or inaccurate.

ARTICLE 9.05, CITY CODE OF ORDINANCES – CODE OF ETHICS:

<http://z2codes.franklinlegal.net/franklin/Z2Browser2.html?showset=leanderset>

▪ Ethics Ordinance – Disclosure Statements

The City's Ethics Ordinance requires persons seeking to enter discretionary contracts with the City or appearing before the City Council or another City board or body to disclose certain relationships and conflicts of interest. The relevant sections of the Ethics Ordinance are set forth below. The Ethics Ordinance can be found in Article 9.05, Chapter 9 of the City's Code of Ordinances at the above link.

Sec. 9.05.007 Persons doing business with the city

(a) Persons seeking discretionary contracts.

- (1) For the purpose of assisting the city in the enforcement of provisions contained in this article, an individual or business entity seeking a discretionary contract from the city is required to disclose in connection with a proposal for a discretionary contract any conflict of interest. This is set forth in [sections 9.05.004](#) and [9.05.005](#) of this article. Further, the individual or business entity agree to abide by the same ethical standards as set forth for public servants in this article.
- (2) Subsection (a) of this section will become a permanent footnote on documents contained in city bid packets for discretionary contracts.

(b) Disclosure of conflicts of interest by persons appearing before a board or city body. A person appearing before any city board or other city body for the purpose of doing business with the city shall disclose to that board or body any facts known to such person which may show or establish that:

- (1) An employee or officer of the city that advises or makes presentations to the board or city body; or
- (2) Any member of the board or city body;

has or may have a conflict of interest pursuant to chapter 171, Tex. Loc. Gov't. Code, or an interest which would violate the ethical standards set forth in this article, if he or she were to participate in the processing or consideration of the subject matter.

Sec. 9.05.009(f) Disclosure by persons appearing before a city body. Any person who appears before any city body who has had business dealings within the preceding 12-month period involving one or more transactions of five hundred dollars (\$500.00) or more each quarter, or for a total of twenty-five hundred dollars (\$2,500.00) or more, within the preceding 12-month period with a councilmember, commissioner, or business entity in which a councilmember or commissioner has a substantial interest, shall disclose such business dealings at the time of the appearance. Any person who shall intentionally or knowingly fail to make the aforesaid disclosure shall be guilty of a misdemeanor and shall be fined in accordance with this article.



EXECUTIVE SUMMARY
12/12/2024

AGENDA SUBJECT:

Conduct a Public Hearing and consider action regarding Zoning Case Z-24-0144 to amend the current zoning of PAG Leander H1 PUD (Planned Unit Development) with the base zoning district of GC-4-A (General Commercial) to allow for an automobile dealership with unlimited outdoor storage on Lot 2, Block B of the PAG Leander H1 Subdivision on one (1) parcel of land approximately 13.342 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R461858; and more commonly known as 9480 183A Toll Road, Leander, Williamson County, Texas.

- Discuss and consider action regarding Zoning Case Z-24-0144 as described above.

BACKGROUND:

This request is the first step in the zoning process. This property is located at the northeast corner of Hero Way and 183A Toll Road. The original PUD was adopted in 2018 and included 37.25 acres and a total of three (3) lots. Lot 1, Block B is currently developed as a Honda and Hyundai Dealership. Lot 1, Block A is proposed as a future expansion of the existing dealership and a commercial lot. The applicant has submitted this request in order to develop Lot 2, Block B as a new automobile dealership and remove limitation on outdoor storage. The original PUD relaxed the storage and screening requirements specifically for Lot 1, Block B and applied the ordinance standards to the remainder of the property. The purpose in this request is to match the use and outdoor storage of the original PUD zoning for Lot 1, Block B. The proposal does comply with the Comprehensive Plan and is appropriate for properties located in an Employment Center as identified by the Comprehensive Plan. If the zoning change is not approved, the developer will not be able to move forward with the proposed car dealership as proposed.

The Planning Analysis is provided as Attachment #1 and provides more details about the request and the property.

HISTORY/TIMELINE:

12/20/2018 – Zoning, Concept Plan, and Preliminary Plat Approved

APPLICANT/AGENT:

Goree (Gerardo Ramos) on behalf of Roger Beasley Mazda, Inc. (Roger Beasley).

RECOMMENDATION:

Staff recommends approval.

PRESENTER:

Michael Chenausky AICP, Senior Planner

Attachments:

1. Z-24-0144 Att 1 PAG Leander Planning Analysis
2. Z-24-0144 Att 2 Current Zoning - PAG Leander H1 PUD
3. Z-24-0144 Att 3 FLU Map - PAG Leander H1 PUD
4. Z-24-0144 Att 4 Public Notification - PAG Leander H1 PUD
5. Z-24-0144 Att 5 Proposed Zoning - PAG Leander H1 PUD
6. Z-24-0144 Att 6 Aerial Map - PAG Leander H1 PUD
7. Z-24-0144 Att 7 PAG Leander H1 PUD Amendment #2
8. Z-24-0144 Att 8 Letter of Intent
9. Z-24-0144 Att 9 Neighborhood Outreach



PLANNING ANALYSIS

ZONING CASE Z-24-0144 PAG LEANDER H1 – PUD AMENDMENT #2

GENERAL INFORMATION

Owner/Agent:	Goree (Gerardo Ramos) on behalf of Roger Beasley Mazda, Inc. (Roger Beasley).
Current Zoning:	PAG Leander H1 PUD (Planned Unit Development) with the base zoning district GC-4-A (General Commercial)
Proposed Zoning:	PAG Leander H1 PUD Amendment #2 (Planned Unit Development) with the base zoning district of GC-4-A (General Commercial)
Size and Location:	The property is located at 9480 183A Toll Road, Leander, Williamson County, Texas, including approximately 13.342 acres.
Staff Contact:	Michael Chenausky Senior Planner

APPLICANT REQUEST

The applicant has submitted a request to change the designated zoning district of their property in order to develop Lot 2, Block B as a new automobile dealership and remove limitation on outdoor storage. The purpose is to match the use and outdoor storage of the original PUD zoning for Lot 1, Block B.

STAFF CONCLUSIONS

Y N

- ☒ ☐ Does the proposal comply with the intent statements of the Composite Zoning Ordinance? *see page 3*
- ☒ ☐ Does the proposal comply with the goal statements of the Comprehensive Plan? *see page 4*
- ☒ ☐ Does the proposal warrant any other special considerations? *see below*

SPECIAL CONSIDERATIONS

The property to the north is an existing automobile dealership which was approved with the PAG Leander H1 PUD. The original PUD only included Lot 1, Block B when specifying the automobile dealership use and waived the limitation on outdoor storage to allow for the unlimited display of inventory vehicles. Under the current zoning, the outdoor storage is limited to sixty (60%) percent of the gross floor area of the primary building.

There is a pending amendment titled PAG Leander H1 – PUD Amendment #1 that is currently in review.

SITE INFORMATION:

ABUTTING ZONING AND LAND USE:

	ZONING	LAND USE
NORTH	PAG Leander H1 PUD	Automobile Dealership

EAST	SFR-1-B and ETJ	Undeveloped and Heavy Industrial
SOUTH	PUD/TOD CD	Undeveloped and Commercial
WEST	PUD GC	Undeveloped

SURROUNDING AREA:

This property is located at the hard corner of Hero Way and 183A Toll Road on the northeast side of the intersection. The property to the north is the existing Honda and Hyundai dealerships. Properties to the east are undeveloped and to the northeast is a concrete business. Properties to the south and southwest are part of the PUD/TOD CD (Conventional Development) district and are mostly undeveloped with other commercial uses in place. Properties to the west are currently zoned for a gas station (Quik Trip) and home improvement businesses (Home Depot).

PHYSICAL AND NATURAL FEATURES:

This property contains little to no tree cover and is not located near the floodplain. This property will be subject to the Hero Way expansion which will limit development to the northeastern corner of the property.

PROPERTY HISTORY:

This property was annexed into the City of Leander on 11/06/2002.

PREVIOUS ZONING CASES:

The following zone cases were previously submitted for this property:

- 18-TOD-Z-019 requested a zone change from PUD/TOD (Planned Unit Development/Transit Oriented Development Conventional Development Sector to PAG Leander H1 PUD (Planned Unit Development) with the base zoning district GC-4-A (General Commercial) and was approved on 12/20/2018.

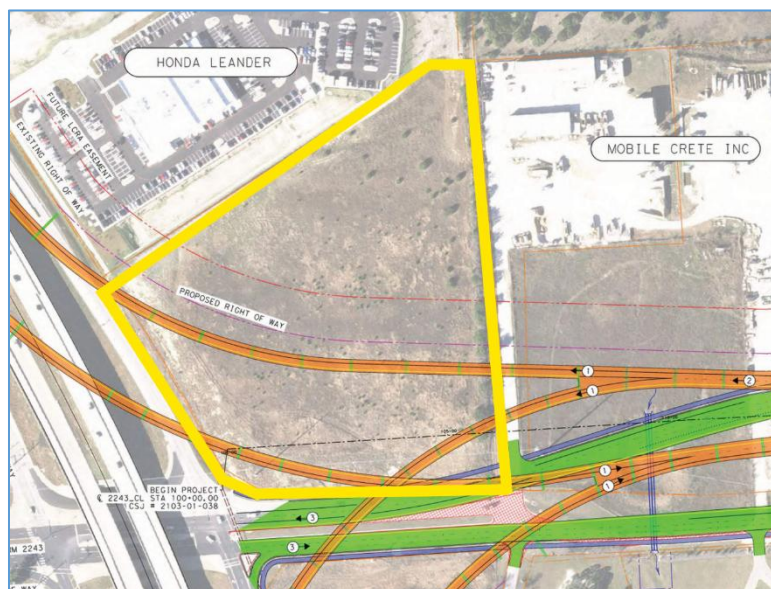
MAJOR CORRIDORS:

This property has access onto 183A Toll Road, Hero Way West, and CR 269. Based on the future expansion of Hero Way, this property will only take access from 183A Toll Road and CR 269.

TRANSPORTATION PLAN REQUIREMENTS:

This property includes the future expansion of Hero Way which will include an overpass road across the property frontage.

The table below includes the proposed streets within the development. These streets have not been reviewed and are subject to change during the review process.



STREET	CLASSIFICATION	LAND USE CONTEXT	DESIGN ELEMENTS
183A Toll Road	Arterial	Commercial	400' ROW 10' sidewalk
Hero Way	Arterial	Commercial	400' ROW 10' sidewalk
CR 269	Collector	Commercial	74' ROW 6' sidewalk

SUBDIVISIONS:

The following subdivision cases were previously submitted for this property:

- The Concept Plan CP-22-0007 and Preliminary Plat PP-22-0010 were approved on 12/20/2018.
- The Final Plat FP-23-0125 for Lot 2, Block B is currently under review.

EXISTING UTILITIES:

This property has access to water and wastewater utilities along 183A Toll Road.

CURRENT LAND USES:

This property is currently undeveloped.

PROPOSED ZONING DISTRICT:**USE COMPONENT****PUD – PLANNED UNIT DEVELOPMENT:**

The purpose and intent of the Planned Unit Development Amendment (PUD) district is to design unified standards for development in order to facilitate flexible, customized zoning and subdivision standards which encourage imaginative and innovative designs for the development of property within the City. The intent of this zoning request is to allow unlimited outdoor storage associated with an automobile dealership. The contents of this PUD Amendment further explain and illustrate the overall function desired for this development. A Conceptual Site Layout and Land Use Plan has been attached to this PUD, Exhibit C, to illustrate the design intent for the property. The Conceptual Site Layout and Land Use Plan is intended to serve as a guide to illustrate the general community vision and design concepts and is not intended to serve as a final document. The intent of this zoning district is to cohesively regulate the development to assure compatibility with adjacent single-family residences, neighborhoods, and commercial properties within the region.

GC – GENERAL COMMERCIAL:

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

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

SITE COMPONENT**TYPE 4 (non-residential only):**

Features: Accessory buildings up to sixty (60%) percent of primary building; drive-thru service; outdoor fueling and washing of vehicles; overhead service doors; maximum outdoor display; substantial outdoor storage; outdoor entertainment venues and animal boarding.

Intent:

- (1) The Type 4 site component is intended to be utilized in combination with GC, HC or HI components where appropriate for moderately intense outdoor site requirements and a need to utilize the outdoor site area for significant outdoor display, storage and accessory buildings and similar permitted uses.
- (2) This site component is intended only for industrial or heavy commercial uses and may be utilized only with GC, HC 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) Compliance with Type 1, 2 or 3 standards shall also be deemed as compliance with this component.

ARCHITECTURAL COMPONENT**TYPE A:**

Features: Five (5) or more architectural features.

Intent:

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

COMPREHENSIVE PLAN:**Applicable Comprehensive Plan goal statements**

- Guide future growth and development following the comprehensive plan to achieve a more balanced, diverse economy.

Applicable Future Land Use categories**EMPLOYMENT CENTER**

- The Employment Center future development category is for primary jobs and business in strategic locations. These areas are intended for regional-serving employment in planned campus-like environments for office, research, medical, manufacturing, light industrial, warehouse, and heavy commercial uses. To remain competitive in today's corporate marketplace, contemporary workforce-supporting elements such as amenities, retail and high-density residential are also encouraged in an integrated development pattern.

The Employment Center area is focused on meeting the plan goals of an attractive, high-quality business environment for investors to bring to Leander and grow/diversify the tax base. It complements other nearby regional mixed-use areas, but provides opportunities for larger-footprint, single-tenant buildings that can accommodate numerous employees. These areas may be developed with an auto-oriented, traditional character, or in a mixed-use urban design. In a planned environment, upper-story vertical mixed-residential is encouraged along with limited, integrated high-density residential-only buildings. Such scenarios should be tightly regulated to ensure the proper mix.

Desired Mix: 100% Non-Residential, 0% Residential

INTERGOVERNMENTAL/INTERDEPARTMENTAL REVIEW:

This proposal was reviewed by all applicable departments within the City of Leander. All plats submitted will be reviewed by Williamson County along with City Staff.

SCHEDULE:**DEVELOPMENT MEETING**

A development meeting was held with Staff on 11/28/2022. Staff have been in communications with the applicant following the development meeting.

No ordinance changes occurred following the development meeting which may have impacted this project.

NOTIFICATION

- 11/21/2024 - Public Notice on Hill Country News
- 11/27/2024 - Mail Notification to Property Owners within 200'
- 11/27/2024 - Public Hearing Signage Posted on Property
- 12/12/2024 - Planning and Zoning Commission Public Hearing
- 01/02/2024 - City Council Public Hearing & First Reading of the Ordinance
- 01/16/2024 - City Council Second & Final Reading of the Ordinance

PUBLIC NOTIFICATION:

In addition to the notice mailed on behalf of the City to all property owners within 200', the agent reached out to all property owners of property zoned as single-family or any properties used as single-family uses within 500' as per Article X, Section 3 (d) of the Composite Zoning Ordinance. Any Homeowner's Association located within 500' were also contacted.

Communication with the adjacent property owners was had, please see Neighborhood Outreach attachment for more detail. Below is a list of comments/concerns that were discussed during the meeting:

- Concerns raised about the design and entrance off CR 269 and how it would affect access for the SRM Concrete business.

The following changes were made to address issues discussed.

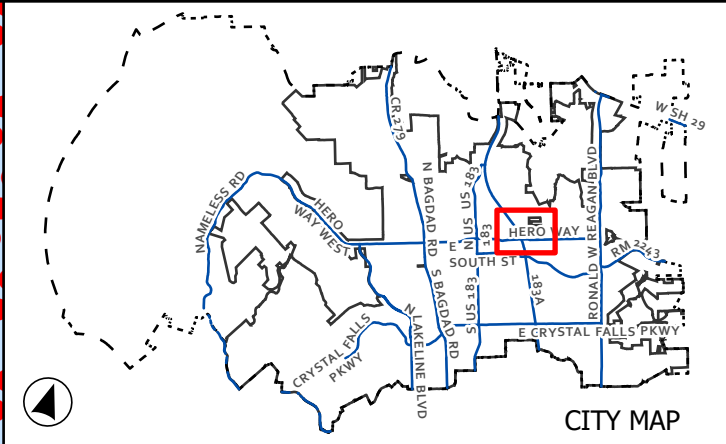
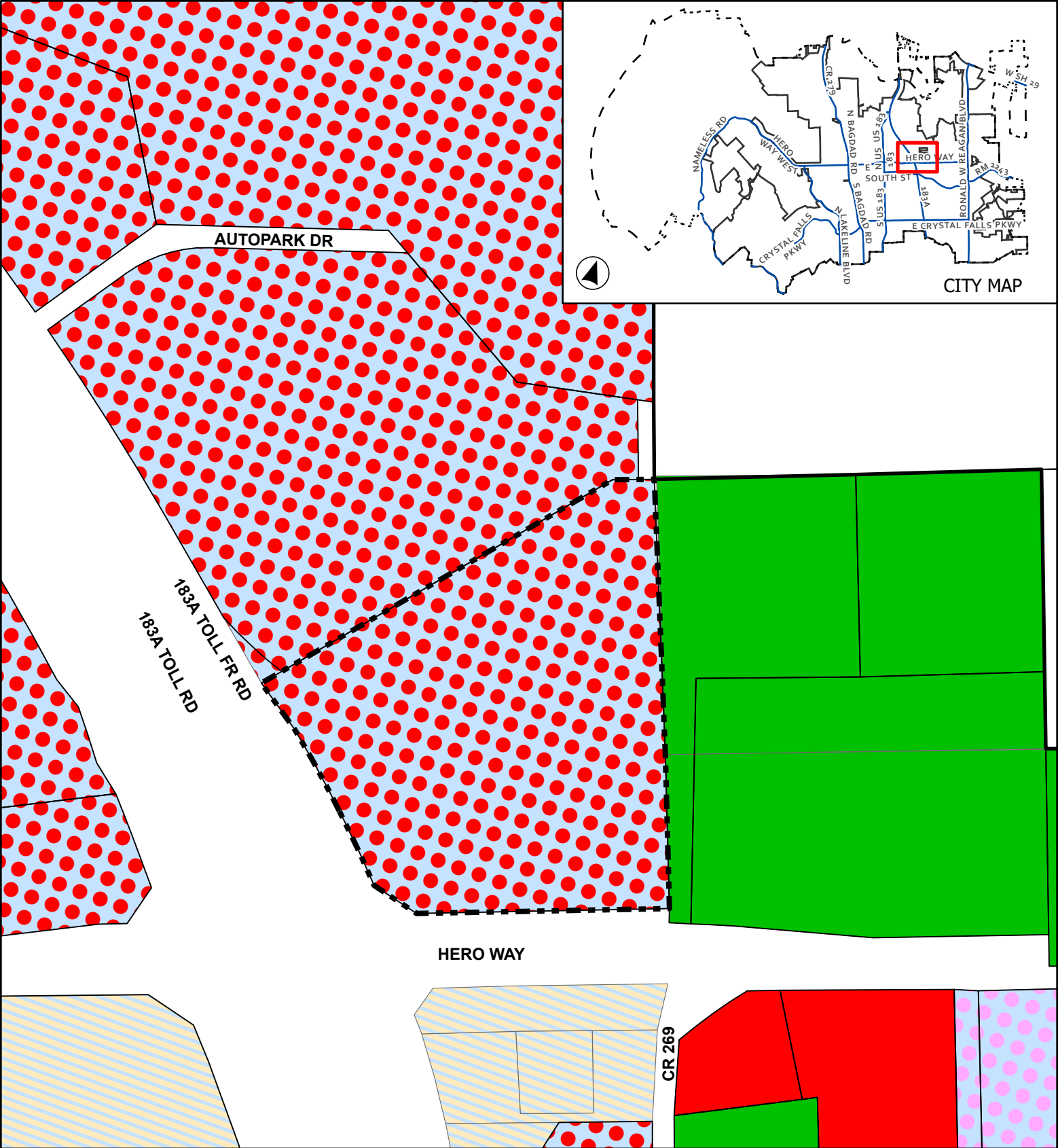
- Construction documents have been updated per an agreed design with SRM Concrete.

Please see the full report from the applicant attached.

APPROVAL CRITERIA:

This property is currently part of the PAG Leander H1 PUD which included a range of waivers associated with the automobile dealership on Lot 1, Block B. This zoning request does not change the previous contents except to include Lot 2, Block B in Section III to allow the automobile dealership and Section VI (D) of the PUD which would allow for unlimited outdoor storage. Under the current zoning, the outdoor storage is limited to sixty (60%) percent of the gross floor area of the primary building. This request would allow for the automobile dealership to operate without the stated limitation.

The proposed use is compatible with the base zoning district of GC-4-A and is also compatible with the surrounding land uses as a regional commercial business. Staff recommends approval of the PUD Amendment.



CASE: Z-24-0144

ATTACHMENT 2

PAG LEANDER H1
MAJOR AMENDMENT
EXISTING PUD

Current Zoning

- | | |
|--------------------------------|--------------------------|
| Leander City Limits | GC - General Commercial |
| Extra-Territorial Jurisdiction | PUD - General Commercial |
| Subject Boundary | PUD - Heavy Commercial |
| SFR - Single-Family Rural | CD - Conventional Sector |

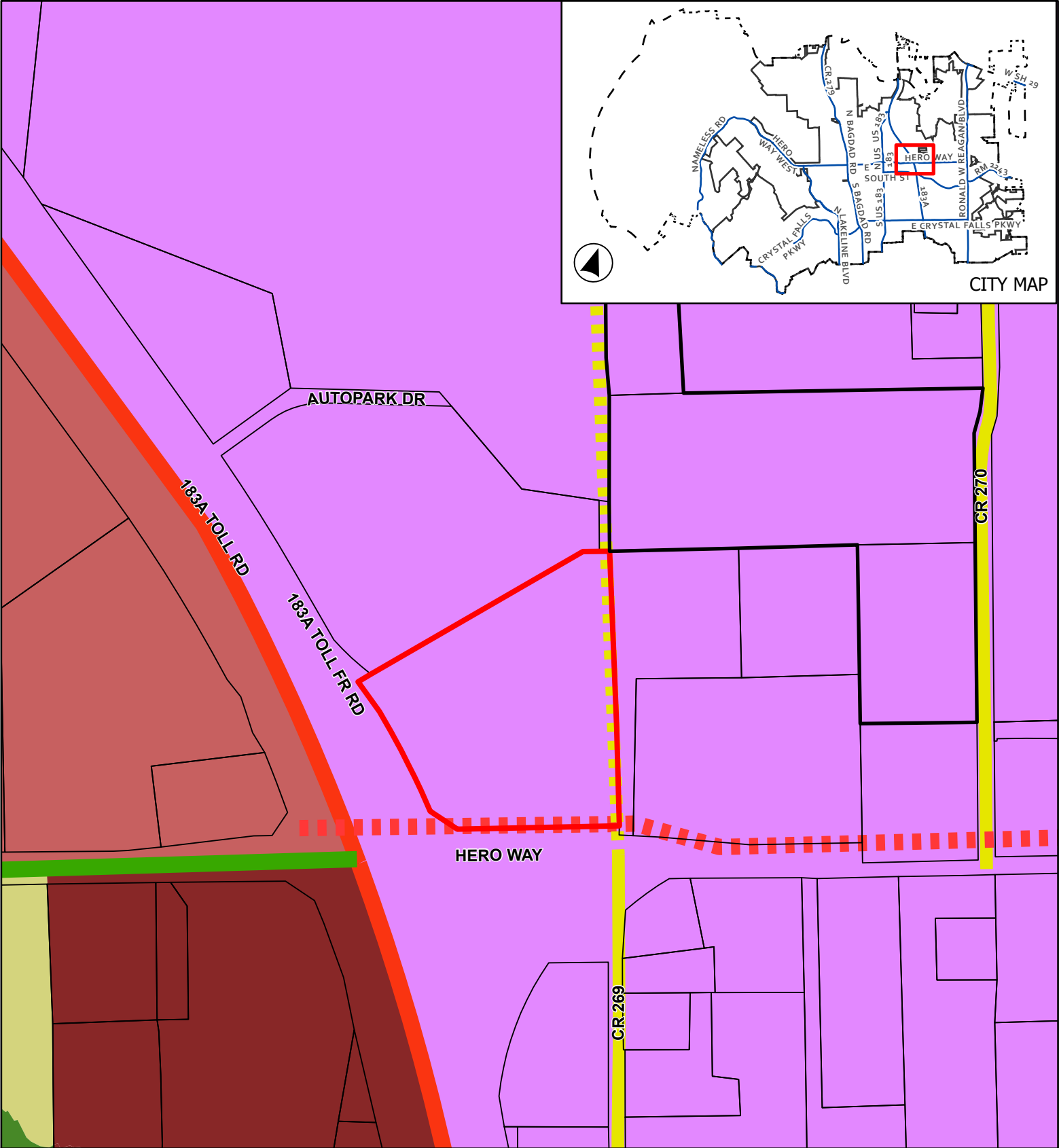
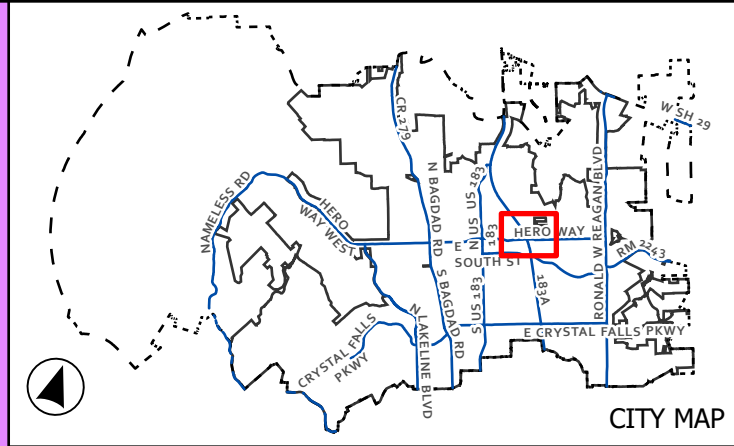


0 100 200

Feet

Page 47 of 75

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CASE: Z-24-0144

ATTACHMENT 3

PAG LEANDER H1
MAJOR AMENDMENT
EXISTING PUD

Future Land Use Map



0 180 360

Feet

- Leander City Limits
- ETJ Boundary
- Subject Boundary

Future Land Use

- Activity Center
- Employment Center

- Urban Mixed Use
- Leander Central
- Greenway

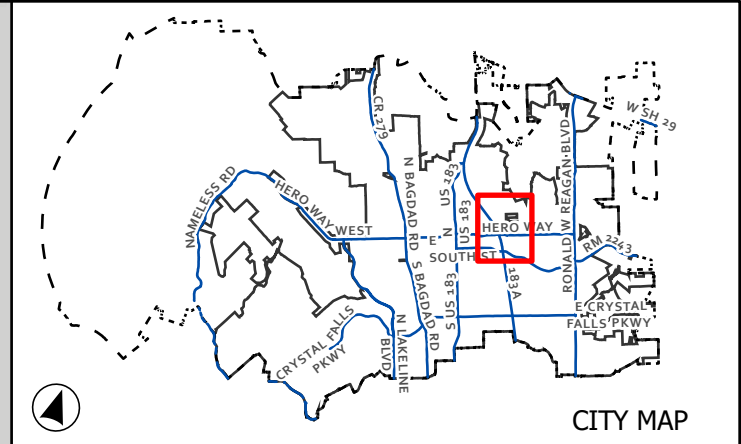
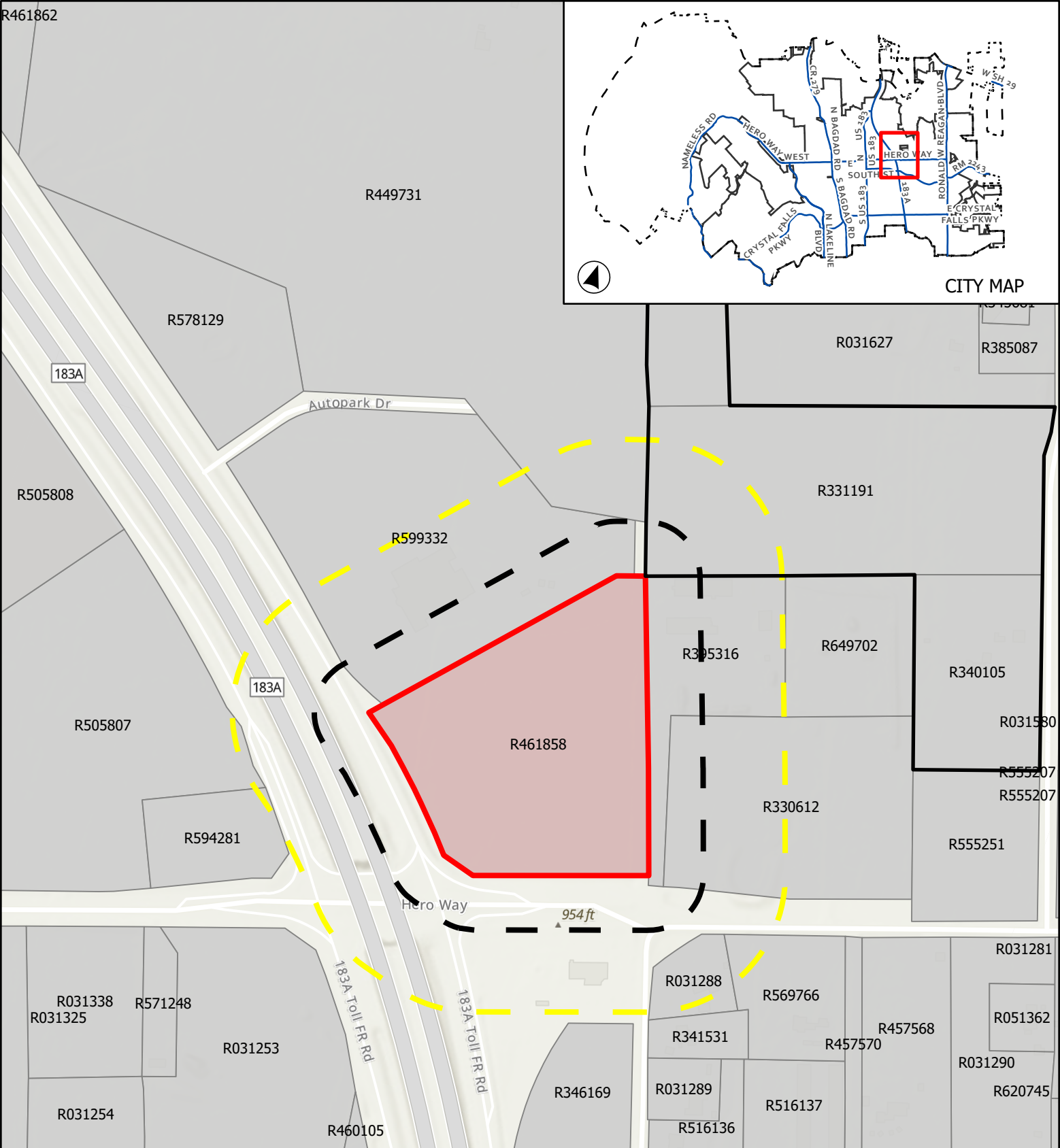
Thoroughfare Plan

- Access Controlled, Existing
- Arterial 6 Lane, Existing

- Collector, Existing
- Access Controlled, Proposed
- Collector, Proposed

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R461862



CASE: Z-24-0144

ATTACHMENT 4

PAG LEANDER H1
MAJOR AMENDMENT
EXISTING PUD

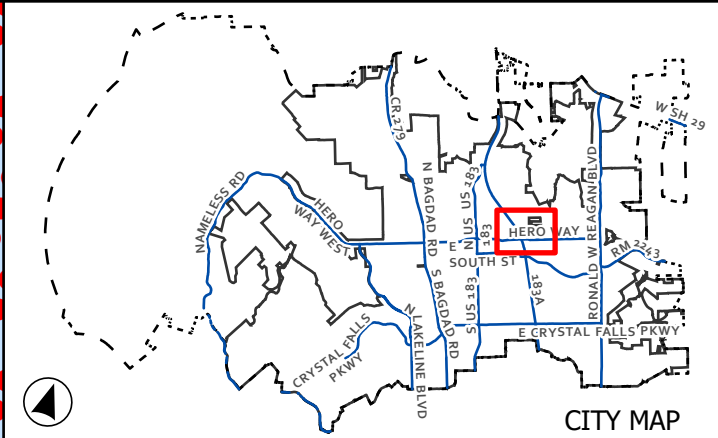
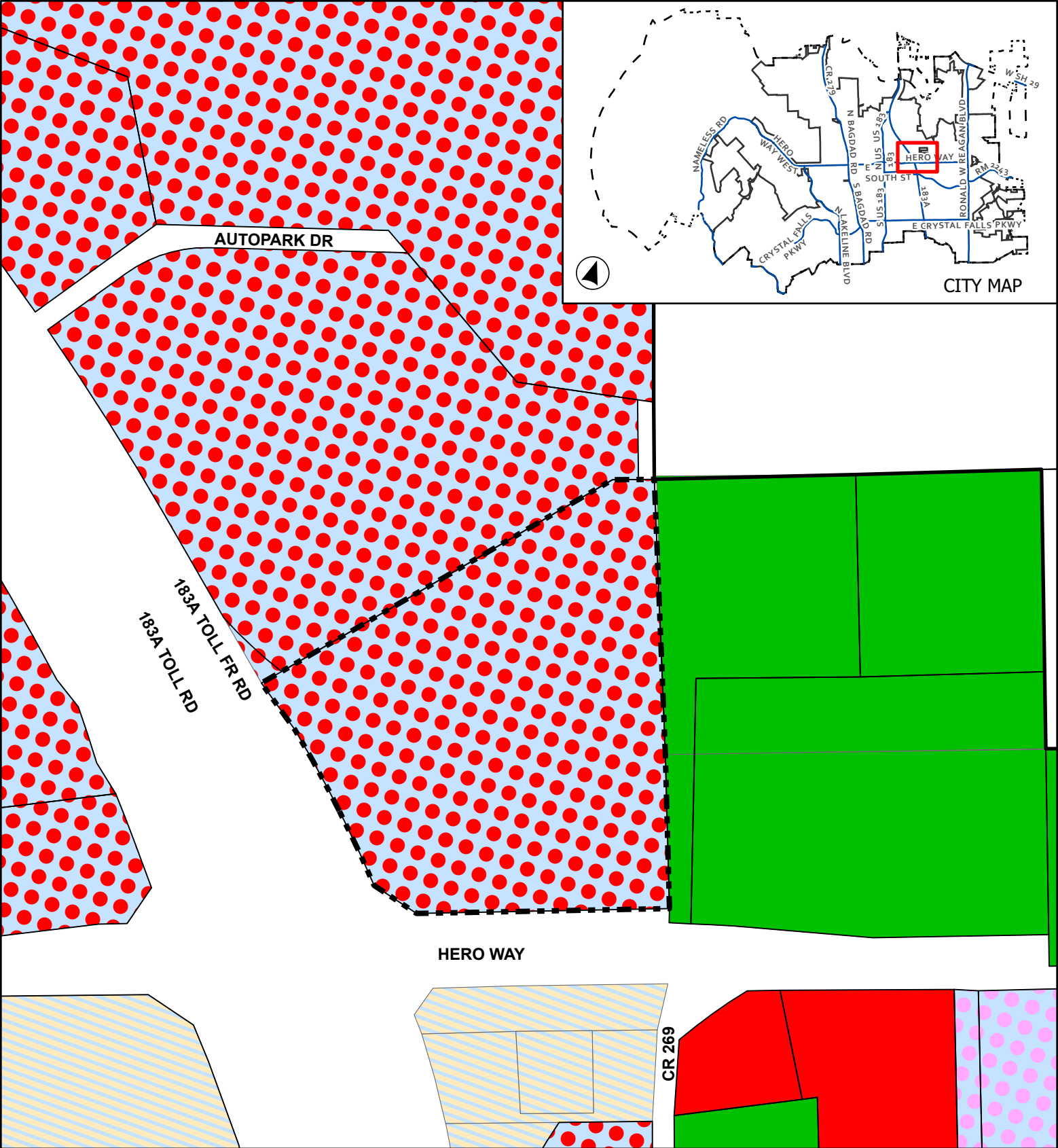
Public Notification

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0 190 380
Feet

- City Limits
- ETJ Boundary
- Subject Boundary
- Notification Buffer
- 200'
- 500'

Page 49 of 75



CASE: Z-24-0144

ATTACHMENT 5

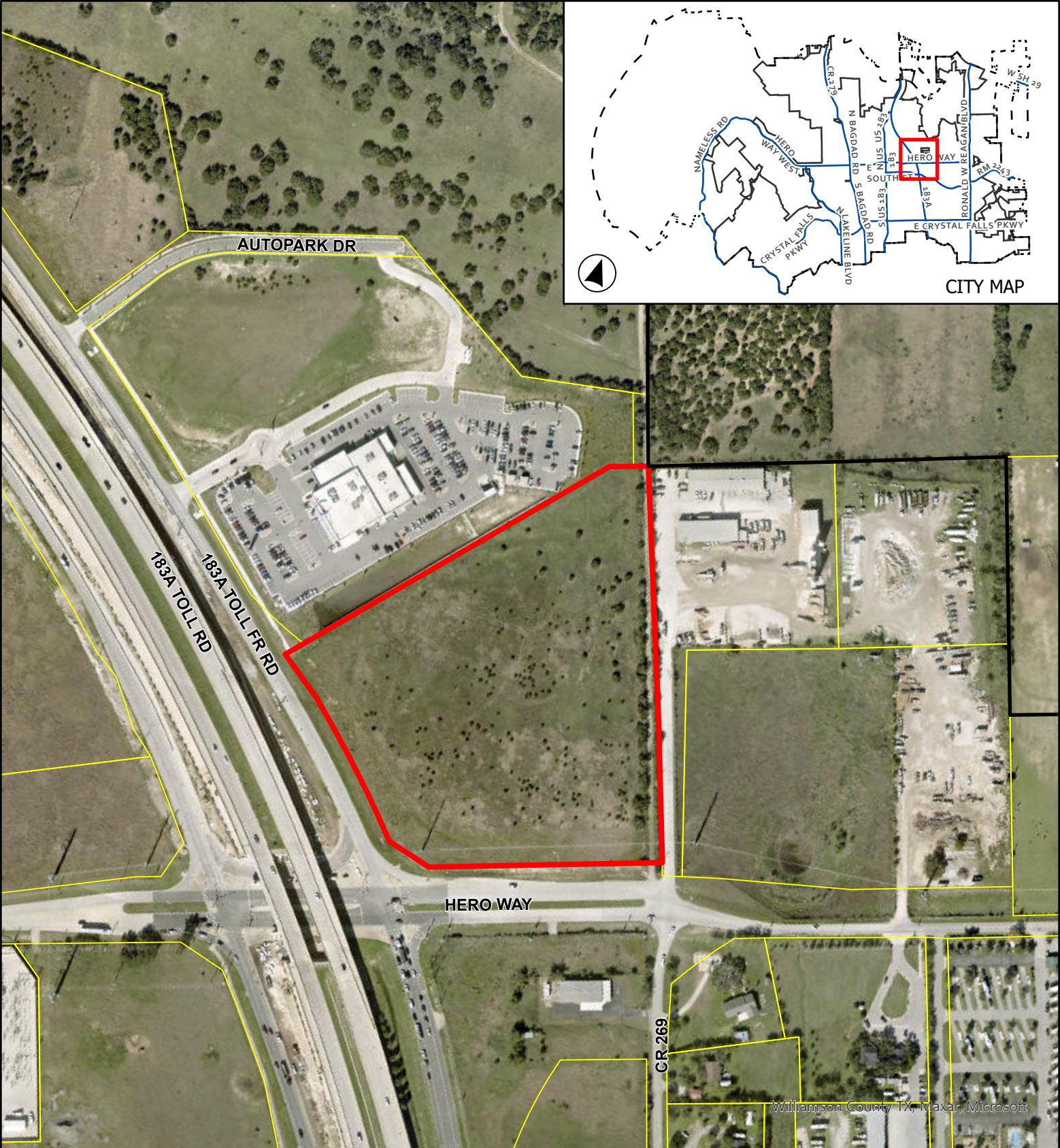
PAG LEANDER H1
MAJOR AMENDMENT
EXISTING PUD

Proposed Zoning

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- | | |
|--------------------------------|--------------------------|
| Leander City Limits | GC - General Commercial |
| Extra-Territorial Jurisdiction | PUD - General Commercial |
| Subject Boundary | PUD - Heavy Commercial |
| SFR - Single-Family Rural | CD - Conventional Sector |





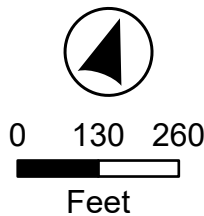
CASE: Z-24-0144

ATTACHMENT 6

PAG LEANDER H1
MAJOR AMENDMENT
EXISTING PUD

Aerial Map

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- Leander City Limits
- Subject Boundary

PAG LEANDER H1 -PLANNED UNIT DEVELOPMENT AMENDMENT #2

I. Purpose and Intent

- A. The PAG Leander H1 PUD (the "**PUD**") consists of approximately 37.25 acres located in Leander, Williamson County, Texas, and more particularly described on Exhibit "A" attached to this PUD Ordinance (the "**Property**"). The PUD shall be developed as a commercial development.
- B. Except as otherwise provided in this PUD Ordinance, the Property and PUD shall be governed by the ordinances of the City of Leander (the "**City Code**"). This PUD Ordinance is intended to, and shall, supersede the City Code. In the case that this PUD Ordinance does not address a specific City requirement, the City Code shall apply to the extent it is not inconsistent with this PUD Ordinance, and in the event any amendment to the City Code adopted after the date of this PUD Ordinance is inconsistent with the provisions of this PUD Ordinance, the provisions of this PUD Ordinance shall apply. Any capitalized terms used, but not defined herein, shall have the meanings ascribed to them in the City Code.

II. Applicability and Base Zoning.

- A. All aspects regarding the development of the PUD shall comply with the City of Leander Composite Zoning Ordinance, except as established by this PUD Ordinance.
- B. For purposes of establishing development standards for the PUD, the GC-4-A (General Commercial) base zoning district has been selected from the Leander Composite Zoning Ordinance for the proposed commercial development.

III. Conceptual Site Layout and Land Use Plan.

Exhibit "C" attached is a conceptual site layout, land use plan and preliminary plat intended to visually convey the general layout for the PAG Leander H1 PUD (the "**Land Use Plan**"). The PUD shall be developed in various stages as the owner of the Property may be determined to be necessary, appropriate or desirable. The first portion of the Property to be developed will be Lot 1, Block B which shall also be developed in phases. The design is not final, and is subject to refinement during the development, final platting and site planning stages. The initial use for Lot 1 and Lot 2, Block B shall be as a new automobile dealership. The initial, specific commercial uses of Lot 1, Block A ~~and Lot 2, Block B~~ have not been determined. Site development plans will be submitted to the City with each site plan application for the development of each of the Lots and the various phases of the PUD. This PUD Ordinance does not constitute final plat or site plan approval of the attached plan. The exact locations and specifications for the buildings, structures, parking and other improvements shall be determined as site development permits are submitted and approved as being consistent with the intent and provisions of this PUD Ordinance.

IV. Permitted Uses.

The permitted uses allowed within the PAG Leander H1 PUD shall include (a) all of the list of permitted uses defined in Article III, Section 16 (GC-General Commercial) of the Leander Composite Zoning Ordinance, and (b) automobile collision center/body shop and repairs, provided development of an automobile collision center/body shop and repair facility shall require the submittal of an amendment to the Land Use Plan attached as **Exhibit “C”** to reflect compliance with outdoor storage screening requirements of the Composite Zoning Ordinance except as otherwise approved by the City Council. Accessory uses for the sale of new vehicles shall include, but not be limited to, the sale, rental, and leasing of previously owned vehicles; the fueling and washing of vehicles; vehicle services (including body shop, maintenance, and repairs); and vehicle paint booths and detailing.

V. Development Standards for the CD Sector; Outdoor Display Areas.

- A. The following Development Standards for the Conventional Development Sector (CD) are not necessary to provide transition to pedestrian oriented neighborhoods and shall not apply to Lot 1, Block B of the PUD: Section 2.4(b), (d) and (e), and Section 3.2(b).
- B. The paved areas on Lot 1, Block B of the PUD designated as “outdoor display” and “outdoor storage” for the display of vehicles for sale, lease or rent and for storage of vehicles for repairs and maintenance, respectively, are not subject to the requirements applicable to parking of the Development Standards for the CD Sector or the requirements applicable to parking of the Leander Composite Zoning Ordinance.

VI. Site Components.

- A. Fueling and washing of vehicles within Lot 1, Block B of the PUD shall be located as reflected on the Land Use Plan attached as **Exhibit “C.”** The properties adjacent to Lot 1, Block B of the PUD shall be considered to be other than residential and the Type 3 fueling and washing of vehicles location requirements of Article V, Section 3(b)(v)(a), (b), (c) and (e) of the Leander Composite Zoning Ordinance shall not apply to Lot 1, Block B of the PUD.
- B. Access to the PUD shall be provided as reflected on the Land Use Plan attached as **Exhibit “C”**, including specifically access to and from the frontage road of 183A Toll Road.
- C. Because the properties adjacent to Lot 1, Block B of the PUD shall be considered to be other than residential, the Type 2 location requirements for service lanes of Article V, Section 4(b)(1) of the Leander Composite Zoning Ordinance shall not apply Lot 1, Block B of the PUD.
- D. Outdoor storage areas are permitted as reflected on the Land Use Plan attached as **Exhibit “C,”** and the provisions of Article V, Section 4(b)(3)(i) and (ii) and Section 4(b)(5) shall not apply to Lots 1 and 2, Block B of the PUD. The landscaping to be provided as reflected in the Landscape Plan for Lot 1, Block B of the PUD attached hereto as **Exhibit “D”**,

Exhibit “E,” and **Exhibit “F,”** satisfies the screening requirements of Article V, Section 4(b)(3)(iii) for such outdoor storage areas on Lot 1, Block B of the PUD.

VII. Site Standards.

- A. Landscaping and screening for the development within Lot 1, Block B of the PUD shall be provided as reflected in the Landscape Plan attached hereto as **Exhibit “D,” Exhibit “E,”** and **Exhibit “F.”** Except as provided in the Landscape Plan and this PUD Ordinance, landscaping shall comply with the requirements of Article VI, Section 1(b) of the Leander Composite Zoning Ordinance. The percentage of required landscaping for Lot 1, Block B of the PUD shall be determined on the cumulative basis of the entire area within Lot 1, Block B of the PUD.
- B. Structural stabilization, including vertical walls and riprap, of detention and water quality ponds on Lot 1, Block B of the PUD shall comply with Section 1(b)(10)(i) of the Leander Composite Zoning Ordinance except such structural stabilization shall be limited to not more than fifty percent (50%) of the perimeter of the pond, and such ponds may be greater than eighteen inches deep.
- C. The screening requirements of Article VI, Section 1(d)(1)(i), (iii), (v), (vi), (vii), and (viii); Section 1(d)(4) and (5); Section 1(e)(2), (7) and (8) of the Leander Composite Zoning Ordinance shall not apply within Lot 1, Block B of the PUD along and adjacent to the frontage road of 183A Toll Road.
- D. Within Lot 1, Block B of the PUD, evergreen vegetative screens, landscape berms, or a combination of vegetative screens and landscape berms, if used at the discretion of the owner, may be at least one (1) foot in height and may be limited to a total of two (2) feet in height.
- E. Queuing spaces and service lanes within Lot 1, Block B of the PUD may be located as reflected on the Land Use Plan attached as **Exhibit “C,”** and the provisions of Article VI, Section 1(e)(4)(ii) and (5)(ii) of the Leander Composite Zoning Ordinance shall not apply within Lot 1, Block B of the PUD.
- F. The required handicap accessible parking requirements of Article VI, Section 3(b) of the Leander Composite Zoning Ordinance shall apply only to the number of required parking spaces for the uses within Lot 1, Block B of the PUD, and vehicle parking spaces within the outdoor display, outdoor storage and accessory use areas within Lot 1, Block B of the PUD shall not be included for purposes of calculating the number of required handicap accessible parking spaces.
- G. The minimum setbacks for the buildings, paving, driveways, parking, outdoor storage, outdoor display and accessory uses within Lot 1, Block B of the PUD are shown on the Land Use Plan attached as **Exhibit “C.”** The maximum setback requirements of Article VI, Section 6(a) of the Leander Composite Zoning Ordinance shall not apply within Lot 1, Block B of the PUD.

- H. Parking aisle connections between Lot 1, Block B and Lot 2, Block B of the PUD shall not be required.
- I. A combination of bollards and landscaping may be installed around along the edges of paved areas within Lot 1, Block B of the PUD parallel to the street rights-of-way. Fences, in connection with or independent from landscaping, may be installed along the common boundary of Lot 1, Block B and Lot 2, Block B of the PUD and along the perimeter boundaries of Lot 1, Block B of the PUD that are not adjacent to street rights-of-way. Swinging and/or automatic gates shall be permitted for all driveways providing access to and from Lot 1, Block B of the PUD.

VIII. Architectural Components.

The Section 1: Type A architectural component of Article VII (Architectural Standards) of the Leander Composite Zoning Ordinance shall apply within the PUD; provided, the buildings and other structures within Lot 1, Block B of the PUD may comply with the architectural components, design and elevations, and materials palette attached hereto as **Exhibit “G.”**

IX. Architectural Standards.

The overhead (commercial service) doors for queuing spaces and service lanes for the primary buildings on Lot 1, Block B of the PUD may face 183A Toll Road as shown on the Land Use Plan attached as **Exhibit “C,”** and overhead (commercial service) doors for the accessory buildings on Lot 1, Block B of the PUD as shown on the Land Use Plan attached as **Exhibit “C,”** may face C.R. 269, and the screening requirements of Article VI, Section 1(e)(4) and (5) of the Leander Composite Zoning Ordinance shall not apply to such overhead (commercial service) doors within Lot 1, Block B of the PUD.

X. Subdivision Ordinance and Roadway Adequacy Standards.

- A. A traffic impact analysis shall not be required for the approval of any application for the development or use of property within Lot 1, Block B of the PUD, including without limitation, for the final plat, construction plans, site development permit or building permit with respect to Lot 1, Block B of the PUD.
- B. The Land Use Plan attached as **Exhibit “C”** constitutes the Concept Plan and the Preliminary Plat for the Property. Any final plat, construction plans or site development permit submitted for the development of any portion of the PUD that comply with the requirements of this PUD Ordinance shall be deemed to have satisfied the requirements of Chapter 10, Exhibit A (Subdivision Regulations) of Leander’s Code of Ordinances, and the improvements associated with this PUD meet the requirements of the Roadway Adequacy Regulations of Article 10.03 of Leander’s Code of Ordinances.
- C. Auto Park Drive as shown on the Land Use Plan attached as **Exhibit “C”** shall be designed and constructed in accordance with the road section attached hereto as **Exhibit “H.”**

- D. The provisions of Section 42(h) of the Leander Subdivision Ordinance with respect to reciprocal access for drive lanes, fire lanes, driveways, and parking lots shall not apply between Lot 1, Block B and Lot 2, Block B of the PUD; provided, the owners of Lot 1, Block B and Lot 2, Block B may provide for access to and from the driveway on Lot 2, Block B as shown on the Land Use Plan attached as **Exhibit “C.”** as such owners may determine.
- E. Access to and from the frontage road of 183A Toll Road and Lot 2, Block B of the PUD from the driveway on Lot 2, Block B of the PUD as reflected on the Land Use Plan attached as **Exhibit “C.”** shall be permitted, and access to and from Lot 2, Block B of the PUD to Hero Way as provided by Section 45(b)(11) of the Leander Subdivision Ordinance shall not be required.
- F. The note required by Section 45(b)(12) of the Leander Subdivision Ordinance shall state that all building setback lines with the PAG Leander H1 PUD shall be in accordance with the Leander Composite Zoning Ordinance as modified by this PUD Ordinance.
- G. One-half (1/2) of the right-of-way of CR 269 shall be dedicated by the final plat(s) of each of the adjacent Lots within the PUD in accordance with Section 10.03.003(c)(3) of the Roadway Adequacy Standards. Except as provided below with respect to Lot 1, Block B of the PUD, the improvement of CR 269, or the payment of the proportional share of the cost of CR 269 by the owner of such adjacent Lots, will be determined at the time of the approval of the final plat(s) of each of the adjacent Lots within the PUD in accordance with Section 10.03.003 of the Roadway Adequacy Standards. Notwithstanding the foregoing, all of the right-of-way for Auto Park Drive located between Block A and Block B of the PUD shall be dedicated by the final plat for Lot 1, Block B of the PUD; all of the street and related improvements for the portion of Auto Park Drive located between Block A and Block B of the PUD shall be constructed as part of the subdivision improvements for such final plat of Lot 1, Block B of the PUD; and the owner of Lot 1, Block B of the PUD shall have no obligation for the construction of CR 269 or for any of the cost of the construction of CR 269. The obligation of the owner of Lot 1, Block B of the PUD for fees or any of the cost of the construction of CR 269 is satisfied by the construction of the portion of Auto Park Drive located between Block A and Block B of the PUD.

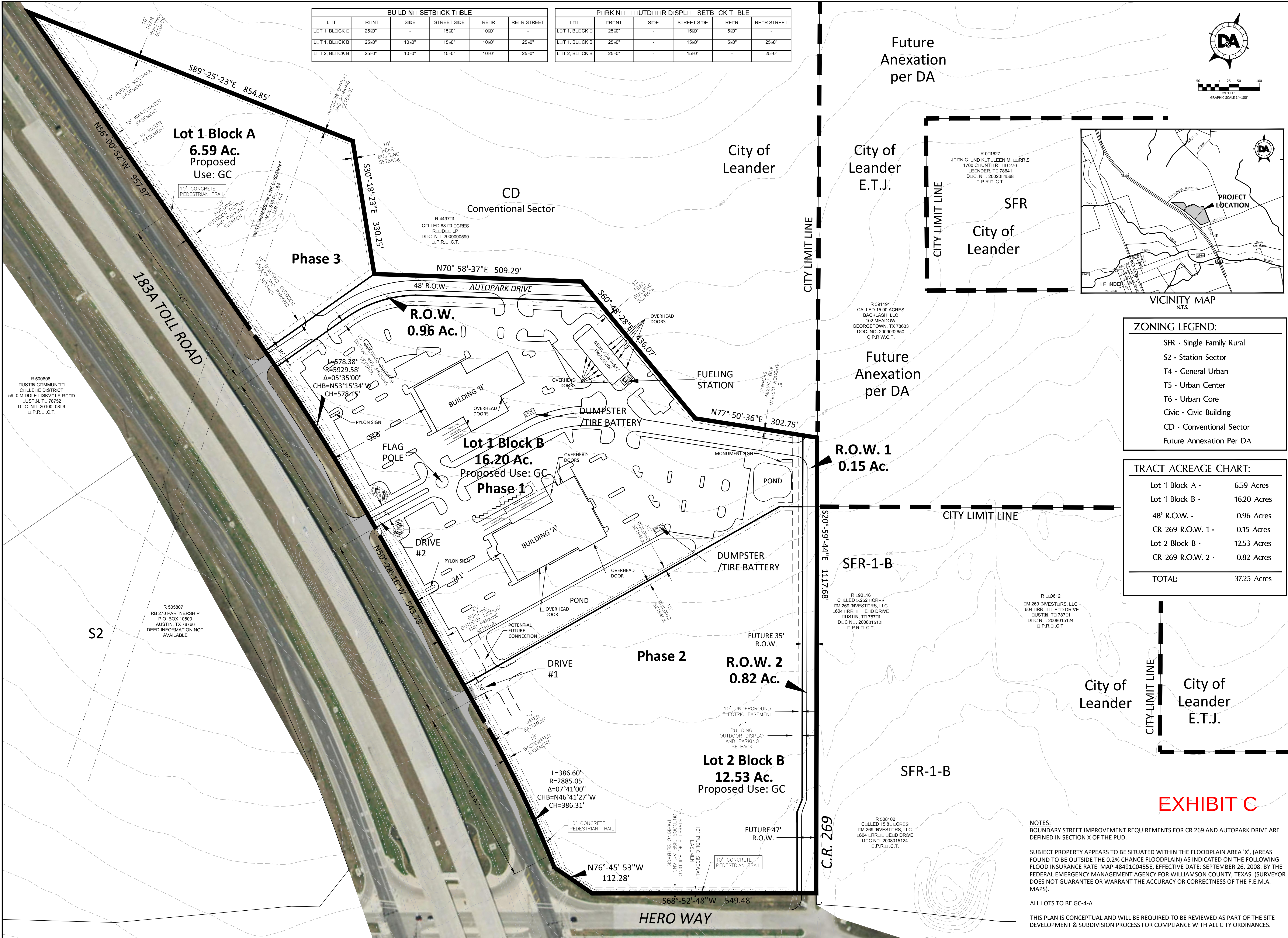
XI. **Signs.**

- A. Two (2) pylon signs shall be permitted at the locations as reflected on the Land Use Plan attached as **Exhibit “C.”** The pylon signs at the locations on 183A Toll Road may be of a height of up to forty (40) feet and may have up to two hundred (200) square feet of sign area on each side. The monument sign at the location adjacent to future C.R. 269 may comply with the requirements of Section 3.08.012(B)(4) for signs on an arterial road. Only lettering and graphics shall be used to calculate the square feet of sign area, structure and base components and address numerals shall not be considered part of the sign area.
- B. The two (2) pylon signs on Lot 1, Block B of the PUD shall be generally consistent with the renderings depicted on **Exhibit “I”** attached hereto; provided, a surround of stone,

brick or other masonry material shall be constructed around the base of each pylon sign. Such pylon signs may be internally or externally illuminated.

- C. Within Lot 1, Block B of the PUD, directional signs along 183A Toll Road or the future C.R. 269 may be of up to ten (10) feet in height and may include up to forty (40) feet of sign area, and all other directional signs within the interior of Lot 1, Block B of the PUD may be up to five (5) feet in height and may include up to fifteen (15) feet of sign area.
- D. The maximum height of a flagpole on Lot 1, Block B of the PUD shall not exceed 80 feet and the maximum flag size shall not exceed three hundred seventy five (375) square feet, and the height limit for flagpoles and flag size maximums in of Article VIII, Section 8 of the Leander Composite Zoning Ordinance and Section 3.08.012 B. (3) of the Sign Ordinance shall not apply within Lot 1, Block B of the PUD.

Drawing: P:\1685-002\Drawings\Drawings\Submitted_files\1685002_CP.dwg
User: BPERKINS
Last Modified: Dec. 12, 18 - 15:24
Plot Date/Time: Dec. 12, 18 - 15:24:29



DA DOUCET & ASSOCIATES
Civil Engineering - Planning - Surveying/Mapping
7401 B. Highway 71 W, Suite 160
Austin, Texas 78735, Phone: (512)-583-2600
www.doucetandassociates.com
Firm Registration Number: 3937

CONCEPT PLAN

PAG LEANDER H1
18-TOD-Z-019
18-TOD-PP-015
183A TOLL ROAD NORTH & HERO WAY
WILLIAMSON COUNTY, LEANDER, TEXAS 78641

Designed: JG/BP
Drawn: BP
Reviewed: JG/BP
Date: 11/07/2018
SHEET 4 OF 8
Project No.: 1685-003

November 18, 2024

Attention: Robin Griffin
E: rgriffin@leandertx.gov
P: 512-528-2763
City of Leander
PO Box 319
Leander, TX 78641

Project: Roger Beasley Mazda Leander
9480 183A TOLL FR RD
LEANDER, TX 78641

Type: Zoning – Major Amendment to an Existing PUD
Plan ID: Z-24-0144

Letter of Intent:

The purpose of the PUD amendment is to specify and authorize the proposed development of Lot 2, Block B as a new automobile dealership and remove the limit of the outdoor storage. Descriptions can be found in section III and section VI-D of the “PAG LEANDER H1-PLANEED UNIT DEVELOPMENT AMENDMENT #3”.

Regards,

Gerardo Ramos
Senior Project Manager



APPLICANT'S SUMMARY OF NEIGHBORHOOD COMMUNICATIONS

This summary is only required for a PUD or a Minor PUD

1. How and when were the surrounding neighborhood and residential property owners within 500' notified, how was information shared, and who was directly involved in the communication process? Please provide the address of the properties notified and the name and contact information of the residents directly involved in the communication process. Attach any materials that were distributed.

We communicated with SRM Concrete about the proposed plans for an automotive dealership in this location.

Communication was done through a conference call that included representatives from Roger Beasley, SRM Concrete and Goree Architects.

SRM Concrete, 2544 Hero Way
Leander, TX 78641

Ty M. Stone, SRM Concrete, 615-355-1028. Mark Cheavens, Roger Beasley Automotive Group, 281-687-9951.

Gerardo Ramos, Goree Architects, 832-460-6262.

2. Who was notified (i.e. property owners, HOA, etc)? The HOA and/or a representative if there is no organized HOA must be contacted, if applicable. Provide a separate sheet listing the contact information used including the names and addresses of the individuals.

We are not aware of an HOA in the area. The original Penske PUD contemplated that this would be an automotive dealership area.

Property owner contact: Ty M. Stone, SRM Concrete, 2544 Hero Way
Leander, TX 78641, 615-355-1028.

3. What concerns were raised during these communications?

Only concern raised was the design and entrance through CR269.

Construction documents have been updated per the agreed design with SRM Concrete.

4. What specific conditions were added to or modified within the zoning request in response to the concerns raised at the meeting?

There were no concerns raised regarding the zoning request.

The above information is deemed to be true to the best of my knowledge.

Signature: GERARDO RAMOS



Date 09/10/2024



EXECUTIVE SUMMARY
12/12/2024

AGENDA SUBJECT:

Conduct a Public Hearing and consider action regarding Ordinance Case OR-24-0024 to amend the Composite Zoning Ordinance to adopt updates to Article IV regarding Wireless Communications Facilities, and to provide for related matters; Williamson & Travis Counties, Texas. Applicant: City of Leander.

- Discuss and consider action regarding Ordinance Case OR-24-0024 as described above.

BACKGROUND:

This request is the first step in the ordinance process. The City is actively working to improve the Wireless Communications Facility (WCF) Ordinance to help implement the Comprehensive Plan through facilitating broadband and wireless service. A WCF is commonly known as a cell tower and associated structures. The City has not updated this ordinance in over twenty (20) years and there is a need to update the requirements to address new technologies. Staff has worked with a communications provider that has supplied a model ordinance for WCF from the Wireless Infrastructure Association and has reviewed ordinances from the surrounding communities. This update is an overhaul to the ordinance that will accommodate new technologies and help with the expansion of the broadband and wireless service for the city.

This amendment includes the following updates:

1. Addition of definitions including new technologies.
2. Clarification regarding permitted locations.
3. Removal of the Wireless Communication Development Plan.
4. Establishes an administrative approval process with an appeal option to the Commission and Council.
5. Increases in the tower height.
6. Clarification of the development standards for WCF.

COMPREHENSIVE PLAN GOAL

Goal #11 – Integrated and well-planned utility infrastructure to serve desired growth

Strategy 11.1 – Continue to plan ahead of growth through integrated utility infrastructure planning.

Action 11.1.4 – Work with telecommunication providers to facilitate enhanced broadband and 5G wireless service. The importance of technology and a strong internet connection cannot be overstated and is a key element of business retention and recruitment. As became even more apparent during the 2020 COVID-19 pandemic—with more professionals working from home, virtual school, communications and transactions taking place online, and the desire to attract urban professionals to mixed-use areas—this is critical infrastructure for the masses. Work with providers on needed infrastructure locations and coordination to ensure Leander is highly competitive in this regard.

HISTORY/TIMELINE:

APPLICANT/AGENT:

City of Leander

RECOMMENDATION:

Staff recommends approval of the ordinance amendments.

PRESENTER:

Robin M. Griffin, AICP, Executive Director of Development Services

Attachments:

1. OR-24-0024 Att 1 CZO - WCF Ordinance

SECTION 1: Wireless Communications Facilities.

(a) Purpose and goals.

The purpose of this section is to provide reasonable standards and procedures for the development of Wireless Communications Facilities (WCFs) that will ensure that residents, public safety operations and businesses have reliable access to wireless telecommunications networks and state of the art communications services while also ensuring that this objective is achieved in a fashion that preserves the intrinsic aesthetic character of the community and is accomplished according to the city's zoning, planning, and design standards. The Telecommunications Act of 1996 preserved, with certain limitations, local government land use and zoning authority concerning the placement, construction, and modification of wireless telecommunications facilities.

This ordinance establishes parameters for siting of WCFs in order to:

- (1) Preserve and protect the public safety;
- (2) Preserve and protect property values;
- (3) Ensure public health, safety, and welfare;
- (4) Preserve the character and aesthetics of areas which are in close proximity to WCFs by minimizing the visual, aesthetic and safety impacts through careful design, placement and screening;
- (5) Provide development that is compatible in appearance with allowed uses of the underlying district;
- (6) Ensure access to reliable wireless communications service throughout all areas of the city;
- (7) Facilitate the city's permitting process to encourage fair and meaningful competition and to extend to all people in all areas of the city high-quality wireless communication services at reasonable costs to promote the public welfare; and,
- (8) Encourage the joint use and clustering of antenna sites and structures, when practical, to help limit the number of such facilities which may be required in the future to service the needs of customers and, thus, avert unnecessary proliferation of facilities on private and public property.

(b) Definitions.

For the purposes of this section of the Composite Zoning Ordinance, the following definitions apply:

Abandon – Occurs when an owner of a Support Structure intends to permanently and completely cease all business activity associated therewith.

Accessory Equipment – Any equipment serving or being used in conjunction with a WCF or Support Structure. This equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures.

Administrative Approval – Zoning approval that the Director of Planning or designee is authorized to grant after Administrative Review.

Administrative Review – Non-discretionary evaluation of an application by the Development Services Review Committee (DSRC). This process is not subject to a public hearing. The procedures for Administrative Review are established in this section of the Ordinance.

Antenna – Any structure or device used to collect or radiate electromagnetic waves for the provision of services including, but not limited to, cellular, paging, personal communications services (PCS) and microwave communications. Such structures and devices include, but are not limited to, directional antennas, such as panels, microwave dishes and satellite dishes, and omnidirectional antennas, such as whips. This definition does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes designed for residential or household purposes.

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Carrier on Wheels or Cell on Wheels (“COW”) – A portable self-contained WCF that can be moved to a location and set up to provide wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the Antenna support structure.

Collocation – The act of siting WCFs on an Existing Structure without the need to construct a new support structure and without a Substantial Increase in the size of an Existing Structure.

Concealed WCF – Any WCF that is integrated as an architectural feature of an Existing Structure or any new Support Structure designed so that the purpose of the Facility or Support Structure for providing wireless services is not readily apparent to a casual observer.

Existing Structure – Previously erected Support Structure or any other structure, including but not limited to, buildings and water tanks, to which Telecommunications Facilities can be attached.

Major Modifications – Improvements to existing WCFs or Support Structures that result in a Substantial Increase to the Existing Structure. Collocation of new WCFs to an existing Support Structure without Replacement of the structure shall not constitute a Major Modification.

Minor Modifications – Improvements to Existing Structures that result in some material change to the Facility or Support Structure but of a level, quality or intensity that is less than a Substantial Increase. Minor Modifications include the Replacement of the structure.

Monopole – A single, freestanding pole-type structure supporting one or more Antenna. For purposes of this Ordinance, a Monopole is not a Tower.

Ordinary Maintenance – Ensuring that Telecommunications Facilities and Support Structures are kept in good operating condition. Ordinary Maintenance includes inspections, testing and modifications that maintain functional capacity, aesthetic and structural integrity; for example the strengthening of a Support Structure’s foundation or of the Support Structure itself. Ordinary Maintenance includes replacing Antennas of a similar size, weight, shape and color and Accessory Equipment within an existing WCF and relocating the Antennas of approved Telecommunications Facilities to different height levels on an existing Monopole or Tower upon which they are currently located. Ordinary Maintenance does not include Minor and Major Modifications.

Replacement – Constructing a new Support Structure of proportions and of equal height or such other height that would not constitute a Substantial Increase to a pre-existing Support Structure in order to support a WCF or to accommodate Collocation and removing the pre-existing Support Structure.

Substantial Increase –

- (1) the mounting of the proposed antenna on an Existing Structure would increase the existing height of the Existing Structure by more than ten (10%) percent, or by the height of one (1) additional antenna array with separation from the nearest existing antenna not to exceed twenty (20’) feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or
- (2) the mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four (4), or more than one new equipment shelter; or
- (3) the mounting of the proposed antenna would involve adding an appurtenance to the body of the Existing Structure that would protrude from the edge of the Existing Structure more than twenty (20’) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this

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paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or

- (4) the mounting of the proposed antenna would involve excavation outside the current Existing Structure site, defined as the current boundaries of the leased or owned property surrounding the Existing Structure and any access or utility easements currently related to the site.

Support Structure(s) – A structure designed to support WCF including, but not limited to, Monopoles, Towers, and other freestanding self-supporting structures.

Wireless Communication Facility(ies) (WCF) – Any unmanned facility established for the purpose of providing wireless transmission of voice, data, images or other information including, but not limited to, cellular telephone service, personal communications service (PCS), and paging service. A WCF can consist of one (1) or more Antennas and Accessory Equipment or one base station.

Tower – A lattice-type structure, guyed or freestanding, that supports one or more Antennas.

- (c) **Guidelines.** The regulations contained in this ordinance have been developed under the following general guidelines as provided in the Federal Telecommunications Act of 1996:

- (1) Cities have local authority over "placement, construction and modification" of cellular telephone facilities and other personal wireless communication service facilities.
- (2) Regulations "shall not unreasonably discriminate among providers of functionally equivalent services."
- (3) Regulations "shall not prohibit or have the effect of prohibiting the provision of personal wireless services."
- (4) "Denial shall be in writing and supported by substantial evidence."
- (5) Cities may not "regulate the placement, construction and modification of personal wireless service facilities on the basis of environmental or radio frequency emissions to the extent that such facilities comply with the Federal Communication Commission's regulations concerning such emissions."
- (6) Notwithstanding any other provision of this ordinance, wireless telecommunication towers and antennas, when permitted by federal law and the laws of the State of Texas, shall be regulated and governed by the following use regulations and requirements provided in this ordinance.

- (d) **Applicability.** The placement, use or modification of any wireless communication facilities at any location within the city is subject to the provisions of this section.

- (e) **Authority.** This ordinance is adopted pursuant to the general police powers of the City of Leander under the state and federal law, including specifically the authority of the City under the City of Leander Charter, the Texas Constitution and the general laws of the State of Texas. This section does not apply to network nodes as defined by Texas Local Government Code Chapter 284, as amended by the City of Leander ordinance, that are proposed to be located within the right-of-way.

- (f) **Approvals Required for WCFs and Support Structures.**

- (1) Administrative Review
 - a. Collocations and Minor Modifications shall be permitted in any zoning district after Administrative Review and Administrative Approval in accordance with the standards set forth in this Ordinance.
 - b. New Support Structures that are less than sixty (60') feet in height shall be permitted in any zoning district except residential or any City-owned property after Administrative Review and Administrative Approval in accordance with the standards set forth in this Ordinance.
 - c. Concealed WCFs that are less than sixty (60') feet in height shall be permitted in any residential district after Administrative Review and Administrative Approval in accordance with the standards set forth in this Ordinance.

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- d. Concealed WCFs up to one hundred fifty (150') feet shall be permitted in any zoning district other than residential or any City-owned property after Administrative Review and Administrative Approval in accordance with the standards set forth in this Ordinance except as noted above.
 - e. New Support Structures up to one ninety-nine (199') feet in height shall be permitted in any Industrial District or any City owned property after Administrative Review and Administrative Approval in accordance with the standards set forth in this Ordinance.
 - f. Monopoles or Replacement poles located in utility easements or rights-of-way shall be permitted in any zoning district after Administrative Review and Administrative Approval in accordance with the standards set forth in this Ordinance.
 - g. The use of COWs shall be permitted in any zoning district after Administrative Review and Administrative Approval in accordance with the standards set forth in this Ordinance if the use is not otherwise exempt. If the use of the COW is either not in response to a declaration of emergency, or will last in excess of one hundred-twenty (120) days, Administrative Review and Administrative Approval shall also be required.
- (2) Special Use Permit. WCFs not permitted by Administrative Approval shall be permitted in any district upon granting of a Special Use Permit after conducting a public hearing in accordance with Article IV, Section 2 of this ordinance.

(g) WCFs and Support Structures Permitted by Administrative Approval.

- (1) WCFs Located on Existing Structures
 - a. WCFs are permitted in all zoning districts when located on any Existing Structure subject to Administrative Approval in accordance with the requirements of this Ordinance.
 - b. Antennas and Accessory Equipment may exceed the maximum building height limitations within a zoning district, provided they do not constitute a Substantial Increase.
 - c. Minor Modifications are permitted in all zoning districts subject to Administrative Approval in accordance with the requirements of this Part.
- (2) New Support Structures
 - a. New Support Structure less than sixty (60') feet in height shall be permitted in all zoning districts except residential districts or any City-owned property in accordance with the requirements of this Part.
 - b. Concealed WCFs that are less than sixty (60') feet in height shall be permitted in any residential district or any City-owned property after Administrative Review and Administrative Approval provided that it meets the applicable Concealed WCF standards in accordance with this Ordinance
 - c. New Support Structures up to one hundred ninety-nine (199') feet in height shall be permitted in all Industrial Districts or any City-owned property in accordance with the requirements of this Ordinance. The height of any proposed support structure shall not exceed the minimum height necessary to meet the coverage or capacity objectives of the Facility. The setback of the structure shall be governed by the setback requirements of the underlying zoning district.
 - d. A Monopole or Replacement pole that will support utility lines as well as WCFs shall be permitted within utility easements or rights-of-way, in accordance with requirements of this Ordinance.
 - i. The utility easement or right-of-way shall be a minimum of one hundred (100') feet in width.
 - ii. The easement or right-of-way shall contain overhead utility transmission and/or distribution structures that are eighty (80') feet or greater in height.
 - iii. The height of the Monopole or replacement pole may not exceed by more than thirty (30') feet the height of existing utility support structures.
 - iv. Monopoles and the Accessory Equipment shall be setback a minimum of fifteen (15') feet from all boundaries of the easement or right-of-way.
 - v. Single carrier Monopoles may be used within utility easements and rights-of-way due to the height restriction imposed by Subsection (iii) above.
 - vi. Poles that use the structure of a utility tower for support are permitted under this Part. Such poles may extend up to twenty (20') feet above the height of the utility tower.

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- e. Monopoles or Replacement poles located on public property or within public rights-of-way that will support public facilities or equipment in addition to WCFs shall be permitted in accordance with requirements of this Ordinance. Examples include, but are not limited to, municipal communication facilities, athletic field lights, traffic lights, streetlights, and other types of utility poles in the public right-of-way.
- (3) Concealed WCFs
- a. Concealed WCFs shall be permitted in all zoning districts after Administrative Review and Administrative Approval in accordance with the requirements below. Concealed facilities in residential areas shall not exceed sixty (60') feet and comply with the requirements below in order to qualify for Administrative Review.
 - i. Antennas must be enclosed, camouflaged, screened, obscured or otherwise not readily apparent to a casual observer.
 - ii. Existing Structures utilized to support the Antennas must be allowed within the underlying zone district. Such structures may include, but are not limited to, flagpoles, bell towers, clock towers, crosses, monuments, smoke stacks, parapets, and steeples.
 - iii. Setbacks for Concealed Facilities that utilize a new structure shall be governed by the setback requirements of the underlying zoning district and the requirements of Section 1 (h)(5) of this ordinance.
- (4) Collocation
- a. Street pole attached WCFs may only extend six (6') feet above the top of the existing street pole. A maximum extension of fifteen (15') feet from the top of the street pole may be permitted pursuant to standards provided in this Ordinance, if clearly demonstrated that such is necessary to avoid disturbance or disruption of service provided by any other carrier or utility.
- (5) COW Facilities and Minor Modifications
- a. The use of COWs shall be permitted in any zoning district after Administrative Review and Administrative Approval in accordance with the standards set forth in this Ordinance if the use of the COW is either not in response to a declaration or emergency by the Governor or will last in excess of one hundred-twenty (120) days.
- (6) General Standards, Design Requirements, and Miscellaneous Provisions
- a. Unless otherwise specified herein, all WCFs and Support Structures permitted by Administrative Approval are subject to the applicable general standards and design requirements listed in this Ordinance.
- (7) Administrative Review Process
- a. Prior to submitting a WCF Site Development Application, the applicant must first attend a pre-development meeting with city staff to help familiarize the applicant with applicable codes and regulations as well as determine if the proposed location is in compliance with the ordinance requirements and location priorities.
 - b. All applications and permitting shall comply with Article IX of the Composite Zoning Ordinance.
 - c. In addition to the items listed in Article IX of the Composite Zoning Ordinance, the submittal shall also contain the following:
 - i. Copy of lease from property owner evidencing applicant's authority to pursue an application. Such submissions need not disclose financial lease terms. This lease shall allow the landowner to enter into leases with other providers and it specifies that if the provider fails to remove the WCF and equipment within ninety (90) days of its discontinued use, the responsibility for removal belongs to the landholder.
 - ii. Site plans detailing proposed improvements which complies with Article IX of the Composite Zoning Ordinance. Plans shall depict improvements related to the requirements listed in this Ordinance, including property boundaries, setbacks, topography, parking, elevation sketch, true paint samples, and dimensions of improvements.
 - iii. In the case of new WCFs:

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1. Statement documenting why collocation cannot meet the applicant's requirements. Such statement may include justifications, including why collocation is either not reasonably available or technologically feasible as necessary to document the reasons why collocation is not a viable option; and
2. The applicant shall provide a list of all the existing structures considered as alternatives to the proposed location. The applicant shall provide a written explanation why the alternatives considered were either unavailable, or technologically or reasonably infeasible.
3. Elevation drawings or before and after photographs/drawings simulating and specifying the location and height of the antennas, support structures, equipment enclosure(s) and other accessory uses, fences and signs.
4. A map indicating the service area of the facility.
5. A map indicating locations and service areas of other WCF sites operated by the applicant and sites of other providers' facilities in the city and within one mile of the city's corporate limits.
6. Photo simulations of the proposed WCF from affected residential properties and public right-of-way at varying distances;
7. Written documentation demonstrating a good faith effort in locating facilities in accordance with this Ordinance.
8. A description of the support structure or building upon which the WCF is proposed to be located, and the technical reasons for the design and configuration of the WCF.
9. Signed and notarized statement by the applicant indicating:
 - a) The proposed tower shall accommodate co-location of additional antennas and the applicant shall enter into leases with other providers on a reasonable and nondiscriminatory basis on such tower;
 - b) Certification that the antenna usage shall not interfere with other adjacent or neighboring transmission or reception functions;
 - c) The applicant agrees to remove the WCF and equipment within ninety (90) days after the site's use is discontinued; and
 - d) The tower shall comply with all EIA (Electronic Industries Association) standards and applicable federal and state laws and regulations, including FAA regulations, and the city ordinances.
10. The applicant shall demonstrate FCC licensing;
11. A complete right-of-way encroachment permit application in compliance with Ordinance 99-047-00, as amended from time to time, if the WCF is to be located within a public right-of-way.
12. A landscape plan may be waived when the WCF is to be attached to a building and the equipment is located within or upon the building.
13. Building Permit. A building permit is required prior to construction of a WCF in conformance with the approved WCF Site Development Plan Permit.

(h) Development Standards. All WCFs shall comply with the following standards:

- (1) Use. WCFs shall be an additional permitted use as follows:
 - a. Residential Areas. Freestanding WCFs, including lattice towers, are prohibited. WCFs attached to street poles or facades attached to nonresidential buildings or stealth WCFs are permitted subject to the provisions of this ordinance.
 - b. Nonresidential Areas. WCFs are permitted subject to the provisions of this section.
 - c. City-owned property within any district.
- (2) Siting and Facility Type Priorities. Locations of WCFs shall be prioritized in the following order:
 - a. Co-location on an existing tower, structure or building. The applicant shall have the burden of documenting and showing that there are no feasible existing structures.

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- b. Attached as a stealth WCF to an existing building or structure in a non-residential district
 - c. In areas where the existing topography, vegetation, buildings and other structures provide the greatest amount of screening;
 - d. Use of city owned property; then,
 - e. Located as a freestanding stealth WCF in a permitted non-residential district.
 - f. Other nonresidential buildings or vacant non-residentially zoned land.
- (3) Co-Location Requirement. Co-location is considered to be a visually unobtrusive installation method because the equipment is attached to an existing structure. No new tower shall be permitted unless the applicant demonstrates a good faith effort to co-locate on an existing facility including good faith efforts to negotiate lease rights. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antennas may consist of any of the following:
- a. No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements;
 - b. Existing towers or structures are not sufficiently designed to meet the applicant's engineering requirements as indicated in their development plan;
 - c. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment;
 - d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna; and/or
 - e. The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for share are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- (4) Combination with other uses. A WCF is permitted on a lot with an existing use and may occupy a leased parcel on a lot meeting the minimum lot size requirement of the zoning district in which is located. Towers and their associated equipment shall be separated from other structure on the lot by a minimum distance of ten (10') feet. A WCF is prohibited on a billboard sign.
- (5) Setbacks. The standard setbacks for each zoning district shall apply to WCFs with additional setbacks or separation as listed below.
- a. Towers shall be placed a minimum distance equal to the height of the tower away from any residential structure or property zoned for residential use. No guy wire shall be used.
 - b. WCFs shall be setback a minimum distance equal to three (3) times the height of the tower from any Toll Road, Arterial, or Collector class roadway.
 - c. All WCFs shall comply with the building setback provisions of the zoning district in which the WCF is located in addition to the setbacks listed above.
 - d. Roof attached WCFs shall be set back from the edge of the building the height of the antenna and support system as measured from the roof membrane;
 - e. No setback additional setbacks are required for WCFs attached to street poles when constructed within the public right-of-way and under the provision of subsection j of this section;
 - f. Facade Attached WCFs shall have a maximum projection of eighteen (18") inches. The location of a WCF on the wall of a legal nonconforming structure is permitted. However, the WCF shall not be located on an exterior wall in a manner that will increase the degree of nonconformity. Additional standards for antennas attached to the facade of structures are listed in this Section;
 - g. Equipment Enclosure, underground vaults or above-ground structures shall comply with the setback requirements of the underlying zoning district;
 - h. No freestanding WCFs or equipment enclosures shall be located between the face of a structure and a public or private street, bikeway, park or residential development, except for approved facade attached WCFs located on existing or new permitted structures in accordance with this ordinance.
- (6) Noise. Equipment located at the base of a WCF shall not generate noise in excess of 75 db at the property line.

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- (7) Automation. a WCF shall be fully automated and unattended on a daily basis, and shall be visited only for periodic and necessary maintenance.
- (8) Maintenance and repair. All WCFs and associated equipment shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any person. Routine testing and maintenance shall be limited to weekdays between 8:30 a.m. and 4:30 p.m. Emergency repairs shall be allowed at all times.
- (9) Removal. Any WCF that is not operated for a continuous period of six months shall be considered abandoned, and shall be removed within sixty (60) days of receipt of notice from the city of such abandonment. Each property owner and person in control of the site is responsible for removal, jointly and severally. If such facility is not removed within said sixty (60) days, the city may remove such facility at their expense. If there are two or more users of a single WCF, then this provision shall not become effective until all users cease operations on the facility housing the users.
- (10) Improvement and replacement. An existing WCF may be improved or replaced with a new WCF provided the improvements or replacement comply with the provisions of this article.
- (11) Violations. In addition to any other relief provided by this article, the city may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this article and other available relief.
- (12) Prohibitions. The following are prohibited or restricted within the city, as noted:
 - a. Interference with city and public safety communication systems and/or area television or radio broadcast, prohibited;
 - b. Freestanding towers within residential areas, prohibited;
 - c. Lattice towers, prohibited;
 - d. Guy wires, restricted: No guy wire or other support wires shall be used in connection with such antenna, antenna array or its support structure except when used to anchor the antenna, antenna array or support structure to an existing building or ground to which such antenna, antenna array or support structure is attached.
- (13) License Agreement Required. A license agreement shall be required to be provided by the provider in a form acceptable to the City including the responsibilities, of the landowner, provider(s), any other lessors and lessees, all other parties, and the City applicable to any structures, operations, termination of operation, removal or replacement costs associated with the facilities, to ensure the continued safety and appearance of the structures, equipment and amenities as specified in this Article.
- (14) Structural Standards. WCFs must conform to the most current revision of EIA 222 standards. The Director of Planning or his/her designee shall have the authority to inspect the facilities at any time to insure the structure is safe and not a danger to the public.
- (15) Architectural Compatibility.
 - a. All facilities shall be designed to minimize the visual impact to the greatest extent feasible, considering technological requirements, by means of placement, screening and camouflage, to be compatible with existing architectural elements and building materials and other site characteristics. The applicant shall use the smallest and least visible antennas possible to accomplish the owner/operator's coverage objectives.
 - b. Colors and materials for facilities shall be chosen to minimize visibility. Facilities shall be painted or textured using colors to match or blend with the primary background.
 - c. WCFs located on buildings, walls or roofs, shall blend with the existing building's architecture by painting or shielding with material that is consistent with the design features and materials of the building.
 - d. Equipment enclosures on WCFs shall be designed consistent with this Section or placed in underground vaults.
- (16) Screening. Landscaping, as described in this ordinance shall be required to screen as much of the support structure and the equipment enclosure as reasonably possible. The following standards shall apply to all WCFs. However, if the antenna is mounted flush with the building or on the roof, and other equipment is

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located inside the existing building, landscaping shall not be required. The following standards shall apply to all WCFs.

- a. Support structures and equipment enclosures shall be installed so as to maintain and blend with the existing landscaping on-site, including trees, foliage and shrubs, whether or not utilized for screening.
 - b. Additional landscaping and screening shall be installed to visually screen the support structures and above-ground equipment enclosures. Landscaping and screening shall consist of a combination of trees, foliage and shrubs of dense spacing in one of the following designs:
 - i. A screening wall or fence and a five (5') foot wide landscape planter located in front of the wall or fence;
 - ii. A ten (10') foot wide landscape planter; or
 - iii. Any combination of existing vegetation, topography, decorative walls/fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping described in this ordinance including subsections a) and b) above and are approved by planning staff.
 - c. Upon completion, the owner(s)/operator(s) of the facility shall be responsible for the continued maintenance and replacement of all required landscaping and screening materials.
 - d. Fencing. Security fencing, if installed, shall be by a wrought iron or vinyl coated chain-link fence with evergreen hedge, or a masonry wall, each not less than 6 feet (1.8 meters) in height, consistent with the requirements of Article VI, Section 17, Privacy Fences.
- (17) Color/Materials. WCFs located on buildings, walls or roofs, or structures shall be painted or constructed of materials to match the color of the structure directly behind them to reduce the visibility of the WCF. To the extent any WCFs extend above the height of the vegetation immediately surrounding it, they shall be painted in a nonreflective light gray, light blue or other hue, which blends with the skyline and horizon.
- (18) Facility Lighting and Signage.
- a. Facility lighting shall be designed so as to meet but not exceed minimum requirements for security, safety or FAA regulations. Lighting of antennas or support structures shall be prohibited unless required by the FAA. In all instances the lighting shall be designed so as to avoid glare and minimize illumination on adjacent properties. Lighting shall also comply with all of the city's lighting regulations.
 - b. Signs shall be limited to those needed to identify the telephone number(s) to contact in an emergency, public safety warnings, certifications or other required seals. These signs shall also comply with the requirements of the city's sign regulations including appropriate permits.
 - c. Advertising is prohibited anywhere on a WCF except for minimum signage required by the Federal Communications Commission (FCC) regulations.
 - d. An identification sign for each service provider responsible for the operation and maintenance of a WCF at the site, not larger than two (2) square feet, shall be posted at a location from which it can be easily read from outside the perimeter of the WCF, and shall provide the name, address, and emergency telephone number of the responsible service provider.
- (19) Parking. In addition to other off-street parking spaces required by other uses on the project site, one off-street parking space shall be provided for the maintenance workers, excluding utility pole mounted WCFs.
- (20) Access. In addition to ingress and egress requirements of the current Building Code adopted by the City, access to and from WCFs and equipment shall be regulated as follows:
- a. No WCF or equipment shall be located in a required parking, maneuvering or vehicle/pedestrian circulation area such that it interferes with, or in any way impairs, the intent of functionality of the original design.
 - b. The WCF shall be secured from access by the general public, but access for emergency services must be ensured. Access roads shall comply with fire code standards for emergency vehicular access.
- (21) WCF Specific Standards. In addition to other standards identified in this Section, street pole and facade attached WCFs shall also meet the following conditions and criteria.

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- a. Facade Attached WCFs. Equipment enclosures shall be located within the structure in which the WCF is placed or located underground if site conditions permit. Otherwise, equipment enclosures shall comply with the design standards listed in Subsection iv below.
 - b. Utility Pole/Tower Attached WCFs.
 - i. Attachment. Only one (1) WCF shall be permitted on any one street pole. More than one WCF may be attached to an Electric Transmission Tower (ETT). The antenna shall be equal to or less than six (6) feet in height, including the support system, if any. Surface area of an antenna shall not exceed five hundred eighty (580) square inches. The antenna shall be either fully concealed within the street pole or camouflaged to appear to be an integrated part of the street pole. Antennas on ETTs or an antenna not flush mounted on the side of the street pole, shall be centered on the top of the street pole to which it is attached and camouflaged or disguised.
 - ii. Utility Separation. In the event that a utility located upon a street pole or an ETT requires vertical separation between its utility facilities and the antenna so attached, the antenna may be raised by a support system to accommodate the separation requirement to an elevation not exceeding an additional fifteen (15) feet above the top of the tower or the required separation, whichever is less. Any such support shall not be greater in diameter than the existing street pole and shall be designed to blend into the colors and textures of the existing street pole.
 - iii. Pole Replacement. Existing street poles may be replaced with a new street pole of the same height, dimension and appearance as the existing street pole except that a fifteen foot taller pole may be used as in instances described in j(ii) [(j)(2)(ii)] above. An antenna located upon the new street pole shall conform with the development regulations specified in this Ordinance.
 - iv. Equipment Enclosures.
 - a) Below Ground. An underground equipment enclosure may be connected to an above-ground equipment enclosure provided that no greater than six (6) cubic feet is above ground.
 - b) Above Ground. Above-ground equipment enclosures shall not be greater than six (6) cubic feet in volume. No single dimension shall exceed three (3) feet. The equipment enclosure shall be constructed so as to minimize its visual impact. Evergreen landscape planting shall be installed and maintained to completely obscure the visibility of the equipment enclosure from the developed street and adjacent properties. Sight distance clearance shall be maintained for the equipment enclosure and associated landscape pursuant to the requirements of this Section and city ordinances.
 - v. Horizontal Separation. For WCFs located within private or public rights-of-way, there shall be a minimum horizontal separation of three hundred (300) feet between the WCFs of a single licensed carrier and a minimum horizontal separation of one hundred (100) feet between the WCFs of any other licensed carrier.
 - vi. The Commission and Council may approve an encroachment permit, after staff review of the WCF permit application. In the event the utilities located on a street pole are relocated underground, the WCF shall be relocated to another location pursuant to the requirements of this ordinance.
- (j) Safety.
- (1) Federal Requirements. All WCFs shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the WCFs governed by this ordinance shall bring such WCFs into compliance with the revised standards and regulations within three (3) months of the effective date of the revised standards and regulations, unless a more stringent compliance

schedule is maintained by the controlling federal agency. Failure to bring WCFs into compliance with such revised standards and regulations shall constitute grounds for the removal of the WCF at the owner's expense.

- (2) **Antenna Support Structure Safety.** The applicant shall demonstrate that the proposed antenna and support structure are safe and the surrounding areas shall not be negatively affected by support structure failure, falling ice or other debris or interference. All support structures shall be fitted with anti-climbing devices, as approved by the manufacturers.
- (3) **Structural Certification.** Prior to the installation of any building/roof mounted telecommunications antenna, antenna array or support structure the City's Director of Planning or his/her designee shall be provided with a structural engineer's certification that the structure will support and not be adversely affected by the proposed antenna and associated equipment.

(k) Exempt Communication Facilities. The requirements imposed by this Article shall not apply to antennas designed to receive video programming signals from direct broadcast satellite (DBS) services, multi-channel multipoint distribution providers (MMDS), or television broadcast stations (TVBS) provided that all of the following conditions are met:

- (1) The antenna measures thirty-nine (39") inches (one (1) meter) or less in diameter;
- (2) The antenna, if attached to a building, shall comply with subsection 1.05(j); and the antenna is attached to a freestanding tower measuring less than twelve (12) feet in height; and,
- (3) Lightning rods, private mobile radio systems, amateur radio antennas less than 50 feet (15 meters) in height and whip antennas less than 4 inches (10 cm) in diameter and less than 10 feet (3 meters) in height are not subject to the requirements of this Article IV.

(l) Recovery and Revocation

- (1) **Recovery of City Costs.** The wireless communication providers use various methodologies and analysis tools, including geological based computer software, to determine the specific technical parameters of personal wireless services and low power mobile radio facilities, such as expected coverage area, antenna configuration, topographic constraints that affect signal paths, etc. In certain instances, there may be need for expert review by a third party of the technical data submitted by the applicant. If requested, the Council may require such technical review to be paid for by the applicant. The selection of the third party expert shall be at the city's discretion. Based on the results of the third party review, the city may require changes to the application for the WCF that comply with the recommendations of the expert. The expert review of the technical submission shall address the following:
- (2) The accuracy and completeness of submissions;
 - a. The applicability of analysis techniques and methodologies;
 - b. The validity of conclusions reached; and
 - c. Any specific technical issues designated by the city.
- (3) **Revocation or Termination of Permit.** A permit issued pursuant to this ordinance may be revoked for the following reasons:
 - a. Construction, and/or maintenance operation of a WCF at an unauthorized location;
 - b. Construction or operation of a WCF in violation of any of the terms and conditions of this ordinance or the conditions attached to the permit;
 - c. Misrepresentation or lack of candor by or on behalf of an applicant, permittee or wireless communication provider in any application or written or oral statement upon which the city substantially relies in making the decision to grant review or amend any permit pursuant to this ordinance;
 - d. Abandonment of the WCF as set forth in this ordinance; or
 - e. Failure to promptly cure a violation of the terms or conditions of the permit.
 - f. Failure to commence and complete the permitted work as provided in subsection 1.06(c)(1).
- (4) **Notice to Cure.**

CHAPTER 14 - ZONING
ARTICLE IV. USE STANDARDS

- a. Notice. In the event the city believes that grounds exist for revocation of a permit, the permittee shall be given written notice, by certified mail, of the apparent violation or noncompliance, providing a short concise statement of the nature and general facts of the violation or noncompliance, and providing the permittee a reasonable period of time not exceeding thirty (30) calendar days to furnish evidence:
 - i. That corrective action has remedied the violation or noncompliance;
 - ii. That rebuts the alleged violation or noncompliance; and/or
 - iii. That [it] would be in the public interest to impose some penalty or sanction less than revocation.
- (5) Hearing. In the event that a permittee fails to provide evidence reasonably satisfactory to the city as provided in Subsection c1 of this Section, the city shall refer the apparent violation or noncompliance to the council.
 - a. The council shall provide the permittee notice and reasonable opportunity to be heard concerning the matter and two (2) public hearings shall be conducted, one before the commission for the purpose of receiving the Commission's recommendation, and a second before the council.
 - b. Within ten (10) calendar days of the completion of the second public hearing, the council shall issue a written decision revoking the site development permit for the WCF or imposing such lesser sanctions as may be deemed appropriate under the circumstances.
 - c. In making their recommendation and decision, respectively, the Commission and Council shall apply the following factors;
 - i. Whether the misconduct was egregious;
 - ii. (Whether substantial harm resulted or is likely to result without corrective action;
 - iii. Whether the violation was intentional;
 - iv. Whether there is a history of prior violations of the same or other requirements;
 - v. Whether there is a history of overall compliance; and
 - vi. Whether the violation was voluntarily disclosed, admitted or cured.

(m) Appeal.

- (1) Any entity that desires to erect or utilize wireless communication facilities and to present evidence that such entity would be limited by the current ordinances or regulations of the City dealing with zoning and land use may apply for plan or permit approval under this section and repeal the ordinance requirement. The council shall, upon a showing that strict application of the regulations would prohibit or have the effect of prohibiting personal wireless service, as defined by federal law, modify the subject regulations, consistent with the spirit and intent of this Section, to the extent necessary to prevent the prohibition.

(n) Conflict of regulations.

This ordinance shall not be construed, applied, interpreted nor enforced in a manner that conflicts with federal or state regulations, limitations or other applicable requirements. If any term or provision of this ordinance conflicts with state or federal law, this ordinance shall be construed and interpreted consistent with such law, and the state or federal law shall prevail. In the event of a conflict between this ordinance and any other ordinance, the most restrictive standard applies.