



**AGENDA
CITY COUNCIL MEETING
CITY OF LEANDER, TEXAS**

Pat Bryson Municipal Hall
201 North Brushy Street - Leander, Texas
Thursday, January 2, 2025
Briefing Workshop at 6:00 PM
Regular Meeting at 7:00 PM



Mayor – Christine DeLisle
Place 1 – Kathryn Pantalion-Parker
Place 2 – Michael Herrera
Place 3 – David McDonald

Place 4 – Na'Cole Thompson, Mayor Pro Tem
Place 5 – Chris Czernek
Place 6 – Becki Ross
City Manager – Todd Parton

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

BRIEFING WORKSHOP - CONVENE AT 6:00 PM

1. Open Meeting.
2. Roll Call.
3. Receive a presentation regarding Micro-Trenching and potential updates to the city's process regarding permitting and specifications to allow this technique.

REGULAR MEETING – CONVENE AT 7:00 PM

4. Open Meeting, Invocation and Pledges of Allegiance.
5. Roll Call.
6. 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.]

7. Staff Reports
 - Capital Improvement Program Update: Raider Way and E. Woodview Drive Roadway (CIP T.12) and Bagdad Road and Collaborative Way (CIP T.71) Projects.
 - Water update

CONSENT AGENDA: ACTION

8. Approval of the minutes for meetings held on December 19, 2024 and December 23, 2024.
9. Approval of Amendment One to extend the Roadway Impact Fee Offset Agreement to include the Barksdale Subdivision Phase 2, on 44.166 acres ± in size, generally located at the intersection of

Journey Parkway and Parkside Parkway, containing forty-seven (47) single family dwelling units; and authorize the City Manager to execute any and all necessary documents.

10. Approval of the Second Reading of an Ordinance regarding Zoning Case Z-22-0023 to amend the current zoning of TOD/PUD-CD (Transit Oriented Development/ Planned Unit Development – Conventional Development Sector) to adopt the Pioneer Farmstead PUD (Planned Unit Development) with the base zoning of GC-3-A (General Commercial)) and Development Agreement Case DA-23-0025 on one (1) parcel of land approximately 22.0 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R032213; and generally located northeast of the intersection of 183A Toll Road and E. San Gabriel Parkway, Leander, Williamson County, Texas.
11. Approval of an Ordinance adopting an official map of the City of Leander, Williamson and Travis Counties, Texas attached as Exhibit “A”, Leander City Map, hereto and incorporated herein; providing for the maintenance and filing of the official map; declaring as the official City Limits and Extraterritorial Jurisdiction (ETJ); and providing an effective date.
12. Approval of an Ordinance adopting the official zoning map of the City of Leander, Williamson and Travis Counties, Texas attached as Exhibit “A”, City of Leander, Texas Zoning Map, hereto and incorporated herein; providing for the maintenance and recorded into record as the official zoning map; and providing an effective date.
13. Approval of the extension of the application expiration for Subdivision Case PICP-23-0094 Travisso Village twelve (12”) inch waterline; more particularly described by Travis Central Appraisal District Parcel 842650, generally located northeast of the intersection of FM 1431 and Travisso Parkway, Leander, Travis County, Texas.
14. Approval of the extension of the application expiration for Subdivision Case PICP-23-0075 Travisso Phase 5 Section 10; more particularly described by Travis Central Appraisal District Parcels 948163 and 958216, generally located to the north of the future extension of Osage Drive and the northern terminus of Long Lasso Pass, Leander, Travis County, Texas.
15. Approval of the extension of the application expiration for Subdivision Case PICP-23-0084 Waterline Extension at Bagdad Road and CR 281; more particularly described by Williamson Central Appraisal District Parcel R023980, generally located northwest of the intersection of N. Bagdad Road and CR 281, Leander, Williamson County, Texas.
16. Approval of an amendment to a Special Event Permit previously approved by the City Council on December 5, 2024, to amend the street closures for the Martin Luther King Day March and Celebration being held on Monday, January 20, 2025 beginning at 10:00 a.m. in Old Town Park.

PUBLIC HEARING: ACTION

17. Conduct a Public Hearing 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 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.
18. Conduct a Public Hearing 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 and Travis Counties, Texas.

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

REGULAR AGENDA

19. Discuss and consider action regarding Ordinance Cases OR-21-0004 and OR-21-0005 to amend the Subdivision Ordinance and Chapter 13 Utilities regarding phasing for residential development; and to provide for related matters; Williamson and Travis Counties, Texas.
20. Discuss and consider action on a proposal with Policy Confluence, Inc. (Polco) to develop, implement and analyze a city-wide community survey through the National Community Survey (NCS) for the City of Leander in the amount of \$40,500.00; and authorize the City Manager to execute any and all necessary documents.
21. Council Member Future Agenda Items *[Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.]*
22. Council Member Closing Statements.
23. Convene into Executive Session pursuant to Section 551.072, Texas Government Code, and Section 1.05, Texas Disciplinary Rules of Professional Conduct to consult with legal counsel regarding the acquisition of property for the Leander 2243 Water Main Project (CIP W.18).

Reconvene into open session to take action as deemed appropriate in the City Council's discretion regarding acquisition of property for the Leander 2243 Water Main Project (CIP W.18).
24. Adjournment

CERTIFICATION

This meeting will be conducted pursuant to the Texas Government Code Section 551.001 et seq. At any time during the meeting the Council reserves the right to adjourn into Executive Session on any of the above posted agenda for which state law authorizes Executive Session to be held, including but not limited to Sections 551.071 [litigation and certain Consultation with attorney], 551.072 [acquisition of interest in real property], 551.073 [prospective gift to city], 551.074 [certain personnel deliberations], 551.076 [deployment/implementation of security personnel or devices], or 551.087 [Deliberations regarding Economic Development Negotiations]. The City of Leander is committed to compliance with the American with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please call the City Secretary at (512) 528-2743 for information. Hearing impaired or speech disabled persons equipped with telecommunication devices for the deaf may call (512) 528-2800. I certify that the above agenda for this meeting of the City Council of the City of Leander, Texas, was posted on the bulletin board at City Hall in Leander, Texas, on the 27 day of December 2024 by 5:00 p.m. pursuant to Chapter 551 of the Texas Government Code.



Dara Crabtree, City Secretary, TRMC



EXECUTIVE SUMMARY
1/2/2025

AGENDA SUBJECT:

Approval of the minutes for meetings held on December 19, 2024 and December 23, 2024.

BACKGROUND:

Attached are the minutes for the meetings held on December 19, 2024 and December 23, 2024.

HISTORY/TIMELINE:

APPLICANT/AGENT:

RECOMMENDATION:

PRESENTER:

Dara Crabtree, City Secretary

Fiscal Impact

Attachments:

1. Draft Minutes 12.19.2024
2. Draft Minutes 12.23.2024



**MINUTES
CITY COUNCIL MEETING
CITY OF LEANDER, TEXAS**

Pat Bryson Municipal Hall
201 North Brushy Street - Leander, Texas
Thursday, December 19, 2024
Briefing Workshop at 6:00 PM
Regular Meeting at 7:00 PM



Mayor – Christine DeLisle
Place 1 – Kathryn Pantalion-Parker
Place 2 – Michael Herrera
Place 3 – David McDonald

Place 4 – Na'Cole Thompson, Mayor Pro Tem
Place 5 – Chris Czernek
Place 6 – Becki Ross
City Manager – Todd Parton

BRIEFING WORKSHOP - CONVENE AT 6:00 PM

1. Open Meeting.

Opened meeting at 6:01 p.m.
2. Roll Call.

Roll call reflected all present.
3. Convene into Executive Session pursuant to:
 1. Section 551.071 Texas Government Code, and Section 1305, Texas Disciplinary Rules of Professional Conduct to consult with legal counsel regarding Section 551.071, Texas Government Code, and Section 1305, Texas Disciplinary Rules of Professional Conduct to consult with legal counsel regarding Public Utilities Commission Docket No. 53063, petition by outside city ratepayers appealing the water rates established by the City of Leander, Texas; and
 2. Section 551.071 Texas Government Code, and Section 1305, Texas Disciplinary Rules of Professional Conduct to consult with legal counsel regarding Cause No. 20-0217-C425 Daniel Brown, Maria Brown, and ZG Properties, LLC v. City of Leander; and
 3. Section 551.071 Texas Government Code, and Section 1305, Texas Disciplinary Rules of Professional Conduct to consult with legal counsel regarding Cause No. 22-0183-C425 Great American Insurance Company, et al. v. City of Leander, Texas; and
 4. Sections 551.071 and 551.087, Texas Government Code, and Section 1.05, Texas Disciplinary Rules of Professional Conduct to deliberate proposed economic development incentives for one (1) or more business prospects that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body Project EDA-24-002 and to consult with legal counsel regarding a Chapter 380 Agreement for said Project; and
 5. Section 551.072, Texas Government Code, and Section 1.05, Texas Disciplinary Rules of Professional Conduct to consult with legal counsel regarding the acquisition of property for the Leander 2243 Water Main Project (CIP W.18).

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

1. Public Utilities Commission Docket No. 53063, petition by outside city ratepayers appealing the water rates established by the City of Leander, Texas; and
2. Cause No. 20-0217-C425 Daniel Brown, Maria Brown, and ZG Properties, LLC v. City of Leander; and
3. Cause No. 22-0183-C425 Great American Insurance Company, et al. v. City of Leander, Texas; and
4. Project EDA-24-002 and Chapter 380 Agreement for said Project; and
5. Acquisition of property for the Leander 2243 Water Main Project (CIP W.18).

Convened into Executive Session at 6:03 p.m.; reconvened into open session at 7:08 p.m.

1. No action.
2. No action.
3. No action.
4. Motion: Approve a Chapter 380 Agreement for Project EDA-24-002, Estancia Brazilian Steakhouse, as discussed in Executive Session; and authorize the City Manager to execute any and all necessary documents.

By: Mayor Pro Tem Thompson
Seconded: Councilmember Ross

Vote: 7-0

5. No action.

Adjourned Briefing Workshop at 7:09 p.m.

REGULAR MEETING – CONVENE AT 7:00 PM

4. Open Meeting, Invocation and Pledges of Allegiance.

Opened meeting at 7:09 p.m.; Pastor Shayne O'Brien with RockPointe Church provided the invocation; and Mayor Christine DeLisle led the Pledges of Allegiance.

5. Roll Call.

Roll reflected all present.

6. 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.]

Kathleen Bonardi, 1412 Volente Lane - wished everyone Merry Christmas and Happy New Year; thanked City Council for all the work they have done; excited about construction of senior center and new Parks and Recreation Director.

7. Leander History

Leander History included: Wreaths Across America; and Holidays at the Mason Homestead.

[City Council took a brief recess at 7:19 p.m.; reconvened at 7:30 p.m.]

8. Staff Reports

- Introduction of Ashlea Boyle, appointed Parks and Recreation Director
- Capital Improvement Program Update: Raider Way and East Woodview Drive Roadway (CIP T.12) and Bagdad Road and Collaborative Way (CIP T.71) Projects.
- Water update

Following introduction of Ashlea Boyle, City Council took a brief recess at 7:36 p.m.; reconvened at 7:43 p.m.

Capital Improvement Program updates included: construction progress; constructions impacts; and construction timelines.

Water updates included: BCRUA update; butterfly valve installation; water usage; and implementing Water Conservation Phase 4.

CONSENT AGENDA: ACTION

Motion: Approve Consent Agenda items 9 through 20.

By: Councilmember McDonald

Seconded: Councilmember Pantalion-Parker

Vote: 7 - 0

9. Approval of the minutes for meeting held on December 5, 2024.
10. Ratify the City Manager's appointment of Ashlea Boyle as Parks and Recreation Director.
11. Approval of purchase with Axon Enterprise, Inc. utilizing BuyBoard contract 743-24 in the amount of \$33,469.00 for outfitting four (4) new patrol vehicles with dash cameras and related matters; and authorize the City Manager to execute any and all necessary documents.
12. Acceptance of the Quarterly Investment Report for the period ending September 30, 2024.
13. Approval of the Second Reading of an Ordinance regarding the High Gabriel Township Annexation Case A-24-0011 for the voluntary annexation of 12.75 acres ± 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.
14. Approval of the Second Reading of an Ordinance 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 ± 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.

15. Approval of the Second Reading of an Ordinance regarding the Simpson Tract Annexation Case A-24-0017 for the voluntary annexation of 28.12 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R338811; and generally located southeast of the intersection of Mineral Drive and CR 175, Leander, Williamson County, Texas.
16. Approval of the Second Reading of an Ordinance regarding Zoning Case Z-24-0149 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to SFS-2-A (Single-Family Suburban) on one (1) parcel of land approximately 28.12 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R338811; and generally located southeast of the intersection of Mineral Drive and CR 175, Leander, Williamson County, Texas.
17. Approval of the Second Reading of an Ordinance regarding Zoning Case Z-23-0103 to amend the current zoning of TOD/PUD-CD (Transit Oriented Development/ Planned Unit Development – Conventional Development Sector) to adopt the Skotz Minor PUD (Planned Unit Development) with the base zoning district of GC-2-A (General Commercial) on one (1) parcel of land approximately 4.03 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R031255; and more commonly known as 9800 RM 2243, Leander, Williamson County, Texas.
18. Approval of the Second Reading of an Ordinance regarding Zoning Case Z-24-0148 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to SFS-2-B (Single-Family Suburban) on one (1) parcel of land approximately 15.416 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R031560; and generally located north of the intersection of CR 177 and Valley View Drive, Leander, Williamson County, Texas.
19. Approval of an Ordinance to update the Roadway Impact Fee Service Area Map to incorporate recently annexed areas into the City including High Gabriel East Township, Simpson Tract, and San Gabriel Annexations.
20. Approval of the QuikTrip #4165 License to Encroach Agreement, Case LA-24-0030, to allow for the installation and maintenance of signage within portions of the right-of-way of E. Crystal Falls Parkway, Leander, Williamson County, Texas.

PUBLIC HEARING: ACTION

21. Conduct a Public Hearing regarding Zoning Case Z-22-0023 to amend the current zoning of TOD/PUD-CD (Transit Oriented Development/ Planned Unit Development – Conventional Development Sector) to adopt the Pioneer Farmstead Planned Unit Development (PUD) with the base zoning of GC-3-A (General Commercial) on one (1) parcel of land 22.0 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R032213; and generally located northeast of the intersection of 183A Toll Road and E. San Gabriel Parkway, Leander, Williamson County, Texas.

- Discuss and consider action regarding Zoning Case Z-22-0023 as described above.

Opened Public Hearing at 8:07 p.m.; closed Public Hearing at 8:07 p.m. No one spoke in favor or opposition of the request.

Motion: Approve Zoning Case Z-22-0023, following a discussion.

By: Councilmember Czernek

Seconded: Councilmember Pantalion-Parker

Vote: 7 - 0

REGULAR AGENDA

22. Council Member Future Agenda Items *[Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.]*

None.

23. Council Member Closing Statements.

Kathryn Pantalion-Parker - wished everyone a Merry Christmas.

Michael Herrera - wished everyone a Merry Christmas, Happy New Year and safe travels.

David McDonald - wished everyone a Merry Christmas, Happy New Year and safe travels.

Na'Cole Thompson - commented on upcoming MLK March and Celebration in January; and MLK essay contest.

Chris Czernek - thanked everyone for another great year; new faces on staff; and wished everyone a Merry Christmas and Happy New Year.

Becki Ross - wished everyone a Merry Christmas and Happy New Year.

Christine DeLisle - stated dinner came from Libby's Lunchbox; reminded everyone to shop locally; commented 2024 best year; excited about 2025, Team assembled and new hires.

24. Adjournment

Adjourned at 8:12 p.m.

APPROVED

MAYOR

ATTEST:

CITY SECRETARY



**MINUTES
CITY COUNCIL MEETING
CITY OF LEANDER, TEXAS**

Pat Bryson Municipal Hall
201 North Brushy Street - Leander, Texas
Monday, December 23, 2024
Special Called Meeting at 4:15 PM



**Mayor – Christine DeLisle
Place 1 – Kathryn Pantalion-Parker
Place 2 – Michael Herrera
Place 3 – David McDonald**

**Place 4 – Na'Cole Thompson, Mayor Pro Tem
Place 5 – Chris Czernek
Place 6 – Becki Ross
City Manager – Todd Parton**

SPECIAL CALLED MEETING – CONVENE AT 4:15 PM

1. Open Meeting.

Opened meeting at 4:15 p.m.

2. Roll Call.

Roll call reflected all present with Councilmember Czernek and Councilmember Ross being absent.

3. 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 spoke.

CONSENT AGENDA: ACTION

Motion: Approve the Consent Agenda.

By: Councilmember McDonald

Seconded: Mayor Pro Tem Thompson

Vote: 5 - 0

4. Approval of Resolution denying the increase in rates proposed by Atmos Energy Corporation in its Mid-Tex Division filed on or about December 16, 2024; authorizing intervention in proceedings related to Atmos Energy's application to increase rates; authorizing special counsel to represent the City in matters related to Atmos Energy's proposed increase rates; directing Atmos to reimburse rate case expenses; finding that the meeting complies with Open Meetings Act; making other findings and provisions related to the subject; and declaring an effective date.

REGULAR AGENDA

5. Convene into Executive Session pursuant to Section 551.071, Texas Government Code, and Section 1.05, Texas Disciplinary Rules of Professional Conduct to consult with legal counsel regarding an Attorney General Opinion relating to an open record request.

Reconvene into open session to take action as deemed appropriate in the City Council's discretion regarding Attorney General Opinion relating to an open record request.

The Executive Session was pulled from the agenda.

6. Adjournment

Adjourned at 4:17 p.m.

APPROVED

MAYOR

ATTEST:

CITY SECRETARY



EXECUTIVE SUMMARY
1/2/2025

AGENDA SUBJECT:

Approval of Amendment One to extend the Roadway Impact Fee Offset Agreement to include the Barksdale Subdivision Phase 2, on 44.166 acres ± in size, generally located at the intersection of Journey Parkway and Parkside Parkway, containing forty-seven (47) single family dwelling units; and authorize the City Manager to execute any and all necessary documents.

BACKGROUND:

In July 2022, the City Council adopted Article 12.08 of the Code of Ordinances establishing roadway impact fees (the “RIF”), which went into effect on January 7, 2023. The RIF Ordinance authorizes offsets to be established and approved by agreement in the event a developer constructs eligible improvements to roadways included in the City's RIF program. On June 6, 2024, the City Council approved the Roadway Offset Agreement for the Barksdale Subdivision that established an offset in the amount of \$291,899.75 to be applied to reduce roadway impact fees due upon issuance of building permits within the Barksdale Phase 1 Subdivision. Amendment One will extend this offset to Barksdale Phase 2 Subdivision until the offset amount is exhausted.

HISTORY/TIMELINE:

APPLICANT/AGENT:

RECOMMENDATION:

Staff recommends approval.

PRESENTER:

Emily D. Truman, PE, CFM, PMP, City Engineer

Fiscal Impact

Attachments:

1. Amendment One Barksdale RIF Agreement (Baker)
2. Barksdale RIF Offset Agreement - Location Map

THE STATE OF TEXAS §
 §
WILLIAMSON COUNTY §

**AMENDMENT #1 TO ROADWAY IMPACT FEE OFFSET AGREEMENT
FOR THE BARKSDALE SUBDIVISION**

This Amendment #1 to the Roadway Impact Fee Offset Agreement for the Barksdale Subdivision (the “**Amendment**”) is made by and between the City of Leander, (hereinafter “**CITY**”) a Texas Home Rule municipality and M/I Homes of Austin, LLC, an Ohio limited liability company (hereinafter “**DEVELOPER**”), collectively, the “**PARTIES**”.

RECITALS

WHEREAS, the City and the Developer entered into the Roadway Impact Fee Offset Agreement (the “**AGREEMENT**”) for the Barksdale Subdivision, relating to offsets against roadway impact fees for eligible roadway system facilities paid pursuant to the RIF Ordinance, effective as of June 6, 2024;

WHEREAS, the Development is being developed in two phases, the Agreement addresses Offsets for Phase 1, and this Amendment is being entered to authorize the Offsets set forth in the Agreement to be applied to Phase 2 (as defined herein); and

WHEREAS, capitalized terms used but not defined herein shall have the meanings given to them in the RIF Ordinance;

NOW THEREFORE, in consideration of the foregoing recitals and the mutual covenants and agreements contained herein, and for other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Parties hereto, intending to be legally bound, hereby agree as follows:

**Article I.
AMENDMENT TO AGREEMENT**

A. Offsets for Phase 2.

- 1) Article I, Section A of the Agreement is hereby amended in its entirety to read as follows:

A. **The Development.** The Development is known as Barksdale Subdivision, which is a residential development consisting of one hundred and three (103) single family dwelling units located on that certain 44.166 acres ±, generally located at the intersection of Journey Parkway and Parkside Parkway, Leander, Williamson County, Texas, as more particularly described in **Exhibit A**. For the purposes of allocating Offsets under this Agreement, the Development has two (2) phases, referred to herein as Phase 1 (containing fifty-six (56) single family dwelling units) and Phase 2 (containing forty-seven (47) single family dwelling units), and which are more particularly shown in **Exhibit A**. The Offsets approved

herein are established for the Eligible System Facilities attributable to Phase 1 and Phase 2 of the Development and will be applied to RIF's due for building permits issued in Phase 1 and Phase 2.

- 2) Article II, Section A of the Agreement is hereby amended in its entirety to read as follows:

A. **Roadway Impact Fee Amount.** The RIFs for the Development are established by the RIF Ordinance for the number of service units shown in the Barksdale Subdivision Phase 1 Final Plat Document #2024009129 recorded 02/05/2024 and the Barksdale Subdivision Phase 2 Final Plat #2024086632 recorded on 10/30/2024.

- 3) Article IV, Section D of the Agreement is hereby amended in its entirety to read as follows:

D. **Method of Applying Offsets.** The Offset shall be applied at the time of issuance of the first building permits for Phase 1 and Phase 2 of the Development, as appropriate, and at each building permit issuance thereafter within Phase 1 and Phase 2, to reduce RIFs due until the Offset is exhausted.

Article II. MISCELLANEOUS

The following miscellaneous provisions are made part of this Amendment:

- A. **Effect of Amendment.** The Parties agree that, except as modified hereby, the Agreement remains valid, binding, and in full force and effect. If there is any conflict or inconsistency between this Amendment and the Agreement, this Amendment will control and modify the Agreement to the extent of the conflict only; provided that the Agreement and this Amendment shall, to the fullest extent reasonably possible, be construed to give effect to both.
- B. **Additional Instruments.** The City and the Developer agree and covenant to cooperate, negotiate in good faith, and to execute such other and further instruments and documents as may be reasonably required to fulfill the public purposes provided for and included within this Amendment.
- C. **Amendments.** This Amendment and the Agreement constitutes the entire understanding and agreement of the parties as to the matters set forth in this Amendment and the Agreement. No alteration of or amendment to this Amendment or the Agreement shall be effective unless given in writing and signed by the party or parties sought to be charged or bound by the alteration or amendment.
- D. **Binding Obligation.** This Amendment shall become a binding obligation on the signatories upon execution by all signatories hereto. The City warrants and represents that the individual executing this Amendment on behalf of the City has full authority to execute this

Amendment and bind the City to the same. Developer warrants and represents that the individual executing this Amendment on its behalf has full authority to execute this Amendment and bind it to the same.

- E. Counterparts.** This Amendment may be executed in one or more counterparts, each of which shall be deemed an original and all of which shall constitute one and the same document.
- F. Construction.** The Parties acknowledge that the Parties and their counsel have reviewed and revised the Amendment and that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of the Amendment.
- G. Entire Agreement.** This Amendment and the Agreement constitutes the entire agreement between the Parties with respect to the subject matter covered in this Amendment and Agreement. There is no other collateral oral or written agreement between the Parties that, in any manner, relates to the subject matter of this Amendment or the Agreement, except as provided for in any Exhibits attached hereto or duly approved amendments to the Agreement, as approved by the City Council of the City of Leander, Texas.
- H. Exhibits and Attachments.** All Exhibits and Attachments referenced in this Amendment are attached hereto and incorporated herein for all purposes.
- I. Gender.** The gender of the wording throughout this Amendment shall always be interpreted to mean either sex, and where the context requires, the plural of any word shall include the singular.
- J. Severability.** In the event any provision of this Amendment is illegal, invalid, or unenforceable under the present or future laws, then, and in that event, it is the intention of the Parties hereto that the remainder of this Amendment shall not be affected thereby, and it is also the intention of the Parties to this Amendment that in lieu of each clause or provision that is found to be illegal, invalid, or unenforceable a provision be added to this Amendment which is legal, valid and enforceability and is a similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

[Page Ends Here – Signature Pages Follow]

Signature Page to
AMENDMENT #1 TO ROADWAY IMPACT FEE OFFSET AGREEMENT FOR
THE BARKSDALE SUBDIVISION

City:

CITY OF LEANDER,
a Texas municipal corporation

By: _____

Name: Todd Parton its City Manager

THE STATE OF TEXAS §

COUNTY OF WILLIAMSON §

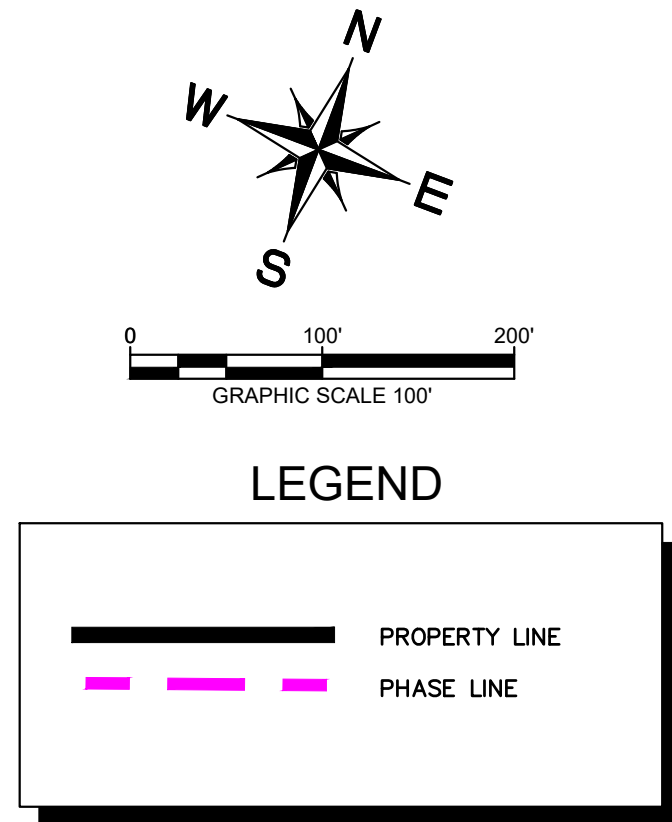
This instrument was acknowledged before me on the __ day of _____, 2025 by Todd Parton, City Manager of the City of Leander, Texas, a Texas municipal corporation, on behalf of said City.

(SEAL)

Notary Public in and for
The State of Texas

My Commission Expires: _____

Exhibit “A”
The Development



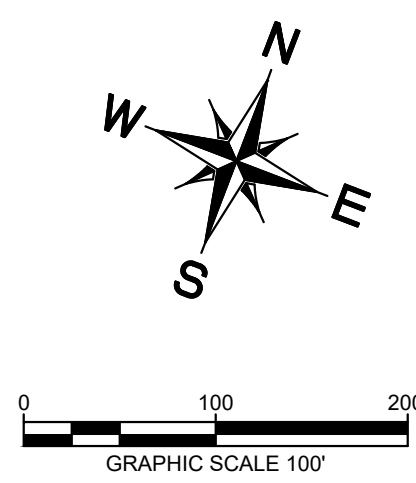
- PHASE 2
12.30 ACRES
APPROX. 1.1 ACRES PARKLAND
49 SINGLE FAMILY LOTS
49 WATER LUE'S
ZONING: SFU & SFC
ANTICIPATED DEVELOPMENT
YEAR 2023

- PHASE 1
31.87 ACRES
APPROX. 9.1 ACRES PARKLAND
54 SINGLE FAMILY LOTS
54 WATER LUE'S
ZONING: SFC
ANTICIPATED DEVELOPMENT
YEAR 2022

CALLED 59.319 ACRES
 PEGGY SIMPSON
 VOL. 2542, PG.838
 OPRWC

Kimley»Horn

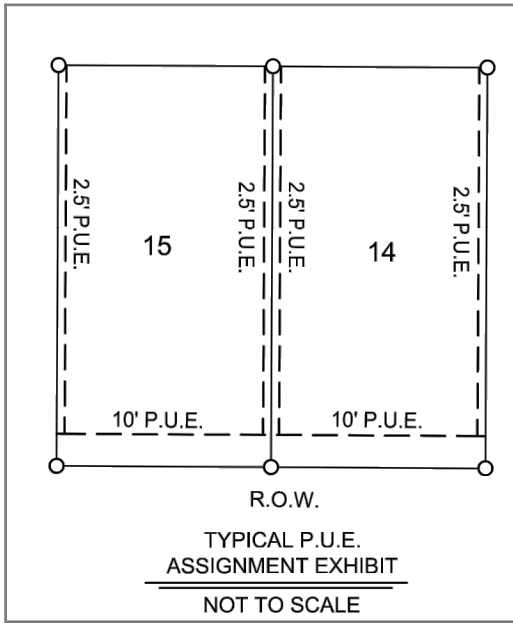
© 2022 KIMLEY-HORN AND ASSOCIATES, INC.
10814 JOLLYVILLE ROAD, AVALON IV, SUITE 200, AUSTIN, TX 78759
PHONE: 512-418-1771 FAX: 512-418-7971
WWW.KIMLEY-HORN.COM



1. LINE AND CURVE TABLES PROVIDING OR BACKING UP TO A MAJOR ARTERIAL ROADWAY ARE
2. ALL HOMES BUILT ON LOTS SIDING ON SHEET 6 TO A MAJOR ARTERIAL ROADWAY ARE
3. REQUIRED TO BE BUILT TO TYPE A OR TYPE B MINIMUM STANDARDS
4. SIGHT TRIANGLES TO BE FREE OF SIGHT OBSTRUCTIONS SUCH AS PARKED VEHICLES, BUILDINGS, WALLS, HEDGES, BUSHES, LOW GROWING TREES OR GUARDRAIL (IF LOCATED ON A CREST WHERE IT FORMS A SIGHT RESTRICTION), ABOVE AN ASSUMED DRIVER EYE HEIGHT LINE OF SIGHT TO TARGET.
5. NO SINGLE FAMILY LOTS SHALL TAKE FRONTAGE FROM JOURNEY PARKWAY OR W PARKSIDE PARKWAY.
6. ALL PROPOSED PARK IMPROVEMENTS WILL MEET CITY PARK & FACILITY EQUIPMENT STANDARDS AND U.S. CONSUMER PRODUCTS SAFETY COMMISSION PUBLICATION - 325. FINAL IMPROVEMENTS TO BE DETERMINED WITH SUBDIVISION CONSTRUCTION PLANS AND FINAL PLAN.
7. THE PARKLAND WILL BE PROVIDED VIA PEDESTRIAN SIDEWALK ALONG JOURNEY PARKWAY AND A 10' WIDE BRUSHY CREST TRAIL.

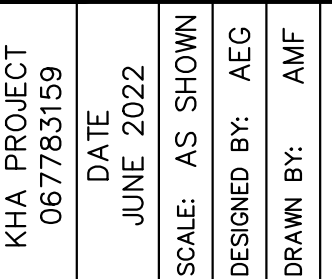
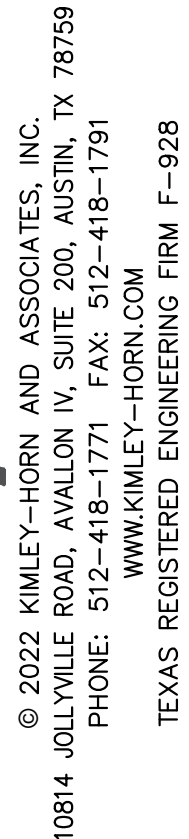
PHASING PLAN	
PHASE	YEAR
BARKSDALE PHASE 1	2022
BARKSDALE PHASE 2	2023

1. THERE IS A 2,060 SF SIGHT DISTANCE EASEMENT TO THE RIGHT OF THE INTERSECTION OF W PARKSIDE PARKWAY AND MISSOULA COVE.
2. THERE IS A 6,555 SF SIGHT DISTANCE EASEMENT TO THE LEFT OF THE INTERSECTION OF W PARKSIDE PARKWAY AND MISSOULA COVE.
3. THERE IS A 631 SF SIGHT DISTANCE EASEMENT TO THE LEFT OF THE INTERSECTION OF SCOBEY COURT AND BILLINGS WAY.
4. THERE IS A 659 SF SIGHT DISTANCE EASEMENT TO THE RIGHT OF THE INTERSECTION OF WOLF POINT WAY AND SACO STREET.



LEGEND

	PROPERTY LINE
	PHASE LINE
	CITY LIMITS
	PROPOSED LOT LINE
	PROPOSED RIGHT OF WAY
	PROPOSED STREET CENTERLINE
	PROPOSED 5' SIDEWALK (UNLESS NOTED OTHERWISE)
	ONSITE FEMA 100-YEAR FLOODPLAIN-WILLIAMSON COUNTY FLOODPLAIN BUFFER ZONE
	PROPOSED SITE DISTANCE EASEMENT (SDE)

[illegible]

PRELIMINARY PLAN

BARKSDALE TRACT
PHASES 1 & 2
CITY OF LEANDER
WILLIAMSON COUNTY, TEXAS

SHEET NUMBER

5



EXECUTIVE SUMMARY 1/2/2025

AGENDA SUBJECT:

Approval of the Second Reading of an Ordinance regarding Zoning Case Z-22-0023 to amend the current zoning of TOD/PUD-CD (Transit Oriented Development/ Planned Unit Development – Conventional Development Sector) to adopt the Pioneer Farmstead PUD (Planned Unit Development) with the base zoning of GC-3-A (General Commercial)) and Development Agreement Case DA-23-0025 on one (1) parcel of land approximately 22.0 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R032213; and generally located northeast of the intersection of 183A Toll Road and E. San Gabriel Parkway, Leander, Williamson County, Texas.

BACKGROUND:

This request is the final step in the zoning process. This property is located at the intersection of 183A Toll Road and San Gabriel Parkway, southwest of the Bryson Subdivision. The applicant is requesting to adopt a PUD with a base zoning of General Commercial to allow for commercial uses while also taking into consideration the Bryson Farmstead that is owned by the City of Leander. The proposal does comply with the Comprehensive Plan and is appropriate for properties located in an Activity Center as identified by the Comprehensive Plan.

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

This case was delayed by the applicant during the April 25, 2024, meeting to allow the applicant to consider feedback received from the neighborhood outreach meeting attendees. Staff recommended denial of the changes to the Comprehensive Plan and denial of the residential portion of the PUD Zoning request. During the meeting of July 25, 2024, the Planning & Zoning Commission recommended denial of the comprehensive plan amendment and the zoning change requests. Following the Planning & Zoning meeting, the applicant requested to postpone the case to revise the request. The request has been updated to remove the residential portion and proceed with only the commercial along 183A Toll Road and East San Gabriel Parkway. A Comprehensive Plan Amendment is not needed for this request. Staff recommends approval.

HISTORY/TIMELINE:

09/22/2005 – Approval of the TOD Zoning
04/25/2024 – Planning & Zoning, 1st Public Hearing (Delayed)
07/25/2024 – Planning & Zoning, 1st Public Hearing (Approved)
08/15/2024 – City Council (Postponed by Applicant)
12/19/2024 – City Council, 2nd Public Hearing

APPLICANT/AGENT:

Drenner Group, PC. (Amanda Swor) on behalf of Euphoria Development, LLC. (Amirali K. Maknojia)

RECOMMENDATION:

The City Council unanimously approved the zoning case during the December 19, 2024 meeting.

PRESENTER:

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

Attachments:

1. Z-22-0023 Att 1 Planning Analysis - Pioneer Farmstead
2. Z-22-0023 Att 2 Current Zoning - Pioneer Farmstead
3. Z-22-0023 Att 3 FLU Map - Pioneer Farmstead
4. Z-22-0023 Att 4 Public Notification - Pioneer Farmstead
5. Z-22-0023 Att 5 Proposed Zoning - Pioneer Farmstead
6. Z-22-0023 Att 6 Aerial Map - Pioneer Farmstead
7. Z-22-0023 Att 7 PUD Notes Redline - Pioneer Farmstead
8. Z-22-0023 Att 8 Letter of intent - Pioneer Farmstead
9. Z-22-0023 Att 9 Neighborhood Outreach Summary - Pioneer Farmstead
10. Z-22-0023 Att 10 Ordinance - Pioneer Farmstead
11. Z-22-0023 Att 11 Development Agreement - Pioneer Farmstead
12. Z-22-0023 Att 12 7-25-2024 P & Z Minutes



PLANNING ANALYSIS

ZONING CASE Z-22-0023 PIONEER FARMSTEAD

GENERAL INFORMATION

Owner/Agent:	Drenner Group, PC. (Amanda Swor) on behalf of Euphoria Development, LLC. (Amirali K. Maknojia).
Current Zoning:	TOD-CD (Transit Oriented Development - Conventional Development)
Proposed Zoning:	Pioneer Farmstead PUD (Planned Unit Development) with the base zoning districts of: GC-3-A (General Commercial)
Size and Location:	The property is located northeast of the intersection of 183A Toll Road and East San Gabriel Parkway, Leander, Williamson County, Texas, including approximately 22 acres.
Staff Contact:	Justin Hunt Planner

APPLICANT REQUEST

The applicant submitted their initial request to amend the Comprehensive Plan to allow for the land use percentages of 60% Residential, and 0-40% Non-Residential/Open Space/City-Owned Land within the Activity Center. In addition to the Comprehensive Plan Amendment, the applicant had submitted a request to change the designated zoning district of their property in order to develop a mixed-use project with commercial uses, residential uses, and open space.

Following the Planning & Zoning meeting of July 25, 2024, the applicant requested to postpone the case to amend the request. The applicant has removed the residential portion of the request and has proceeded with a request to rezone only the property along 183A and near the intersection of San Gabriel Parkway to General Commercial.

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 3*
- ☒ ☐ Does the proposal warrant any other special considerations? *see below*

SPECIAL CONSIDERATIONS

This case was delayed by the applicant during the July 25, 2024 meeting to allow them to consider feedback received from the Commission. The request has been updated to only include the commercial portion. The Comprehensive Plan Amendment is no longer needed for the request since the residential portion was removed.

SITE INFORMATION:**ABUTTING ZONING AND LAND USE:**

	ZONING	LAND USE
NORTH	PUD (Planned Unit Development)	Single-Family Residential (Bryson Subdivision) Jean Baptiste PUD – Undeveloped commercially zoned property
EAST	PUD(Planned Unit Development)	Single-Family Residential (Bryson Subdivision)
SOUTH	PUD (Planned Unit Development)	Multi-family (Aven Ridge Apartments) and undeveloped commercially zoned property.
WEST	PUD(Planned Unit Development), T5-Urban Center	St. David's Medical Center

SURROUNDING AREA:

This property is located southwest of the Bryson subdivision. It is located north of the Aven Ridge apartments, and east of the St. David's Medical Center and Northline Development. This property is located northeast of the intersection of 183A Toll Road and E. San Gabriel Parkway.

PHYSICAL AND NATURAL FEATURES:

This property mostly contains open space with a pond and tree coverage at the rear of the property.

PROPERTY HISTORY:

This property was annexed into the City of Leander on 08/08/2005.

PREVIOUS ZONING CASES:

The following zone cases were previously submitted for this property:

- 05-Z-006 Adoption of the TOD (Transit Oriented Development) establishing this area as Conventional Development Sector and was approved on 09/22/2005.

MAJOR CORRIDORS:

This property has access onto 183A Toll Road, San Gabriel Parkway, and Pleasant Hill Road.

TRANSPORTATION PLAN REQUIREMENTS:

This property includes no new roadway extensions per the Transportation Master Plan.

The table below includes the proposed streets surrounding 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	Major Arterial (Access Controlled)	Commercial	Controlled Access 400' ROW Six (6) lanes 10' sidewalk
San Gabriel Parkway	Major Arterial	Mixed Use	100' ROW. Four (4) lanes 10' sidewalk
Pleasant Hill Road	Collector	Residential	74' ROW 5' sidewalk

SUBDIVISIONS:

There were no subdivision cases previously submitted for this property:

EXISTING UTILITIES:

This property has access to water and wastewater along 183A Toll Road and E. San Gabriel Parkway.

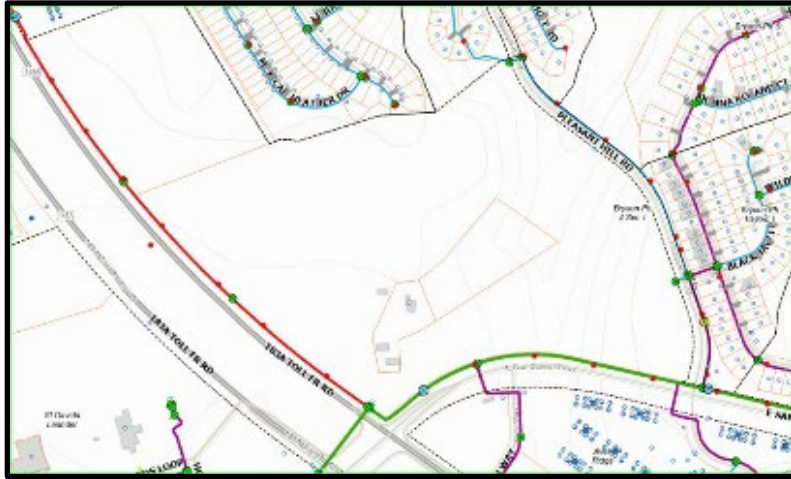


Figure 1 Water

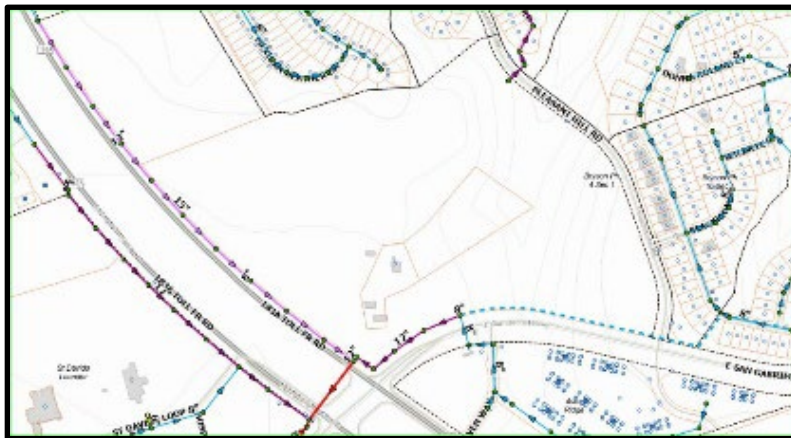


Figure 2 Wastewater

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 (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 contents of this PUD 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 2:**

Features: Accessory buildings greater of 10% of primary building or 120 sq. ft.; accessory dwellings for SFR, SFE and SFS; drive-thru service lanes; uses not to exceed 40,000 sq. ft.; multi-family provides at least 100% of units with an enclosed garage parking space.

Intent:

- (1) The Type 2 site component may be utilized with non-residential developments that are adjacent to a residential district or other more restrictive district to help reduce potential negative impacts to the more restrictive district and to provide for an orderly transition of development intensity.
- (2) The Type 2 site component is intended to be utilized for residential development not meeting the intent of a Type 1 site component and not requiring the additional accessory structure or accessory dwelling privileges of the Type 3 site component.
- (3) This component is intended to be utilized with the majority of LO and LC use components except those that meet the intent of the Type 1 or Type 3 site component or with any use requiring drive-through service lanes.
- (4) This component is intended to be utilized with LO, LC, GC, HC, and HI use components when adjacent to residential districts and additional compatibility standards are warranted.
- (5) This component is generally not intended to be utilized with HC and HI use components except where such component is adjacent to, and not adequately buffered from, residential districts or other more restricted districts, and except as requested by the land owner.
- (6) Compliance with Type 1 standards shall also be deemed as compliance with this component.

TYPE 3:

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

Intent:

- (1) A Type 3 site component is intended to be utilized with LO and LC use components where adjacent to less restricted districts to provide for a land use transition.
- (2) This component is intended to be utilized with residential components where accessory dwellings or additional accessory structures are appropriate and are not provided for in the Type 1 or 2 site components.
- (3) This component is intended to be combined with LO, LC, GC, HC and HI components where it is appropriate to utilize the outdoor site area for outdoor fuel sales, limited outdoor display and storage or accessory buildings.
- (4) Compliance with Type 1 or 2 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.
- Strategy 10.2: Support housing that has well-defined design character, compatibility with adjacent uses, and balanced density.

Applicable Future Land Use categories

ACTIVITY CENTER

- Activity Center areas are the major strategic commercial centers within the community. They are intended to provide opportunity for diverse retail, employment and mixed-use destinations at critical intersections to create dense, value-intense development. These centers are regional in nature and serve a population beyond Leander, and are found on major highways and arterials. Managing access and traffic in these high-volume areas will require planning and coordination.

In a changing retail environment, Activity Centers are designed to become community destinations with activities, amenities, shopping, restaurants and places to gather, live and work. These mixed-use centers complement neighborhood centers and the urban development around Leander Station. Individually, these centers are expected to have a differing balance of land use, design, and atmosphere based on their location and context. High-density apartments and lofts are appropriate if designed and connected to the larger mixed-use center.

The Activity Center land use is intended to be implemented using a strategically planned framework, typically a PUD. When multiple landowners exist without a unified development scheme, proposed projects should plan for future integration to balance the activity center area as much as possible.

Desired Mix: 70-100% Non-Residential, 0-30% Residential

INTERGOVERNMENTAL/INTERDEPARTMENTAL REVIEW:

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

SCHEDULE:

DEVELOPMENT MEETING

A development meeting was held with Staff on 05/03/2024. No changes have been made to the project since the development meeting was held.

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

NOTIFICATION

1st public hearing dates: (delayed)

- 04/04/2024 - Public Notice on Hill Country News
- 04/10/2024 - Mail Notification to Property Owners within 200'
- 04/10/2024 - Public Hearing Signage Posted on Property

04/25/2024 - Planning and Zoning Commission Public Hearing
 05/16/2024 - City Council Public Hearing & First Reading of the Ordinance
 06/06/2024 - City Council Second & Final Reading of the Ordinance

2nd public hearing dates: (delayed)

07/04/2024 - Public Notice on Hill Country News
 07/10/2024 - Mail Notification to Property Owners within 200'
 07/10/2024 - Public Hearing Signage Posted on Property
 07/25/2024 - Planning and Zoning Commission Public Hearing
 08/15/2024 - City Council Public Hearing & First Reading of the Ordinance
 09/05/2024 - City Council Second & Final Reading of the Ordinance

3rd public hearing dates:

12/19/2024 - City Council Public Hearing & First Reading of the Ordinance
 01/02/2025 - 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 two hundred (200') feet, the agent reached out to all property owners of property zoned as single-family or any properties used as single-family uses within five hundred (500') feet as per Article X, Section 3 (d) of the Composite Zoning Ordinance. Any Homeowner's Association located within five hundred (500') feet were also contacted.

The applicant reached out to the surrounding neighborhood and residential property owners on March 25, 2024, which included going door to door and hand delivering notification letters and discussing the project with any residents available to speak. No immediate concerns or questions were raised during this outreach. Following the initial outreach, they have corresponded with some of the neighborhood community members regarding the project. Some concerns brought up included traffic, noise, and crime. In addition, they virtually attended a meeting with the Bryson Community Association held on April 16th, 2024, and presented the PUD documents, answered questions, and noted concerns. These concerns included traffic, screening walls, and access to the dog park.

An additional in-person meeting was held with the Bryson Community on April 23, 2024. The applicant delayed the public hearing at the April 25, 2024 Planning & Zoning meeting to address the concerns of the attendees. No changes were made to the request following the delay.

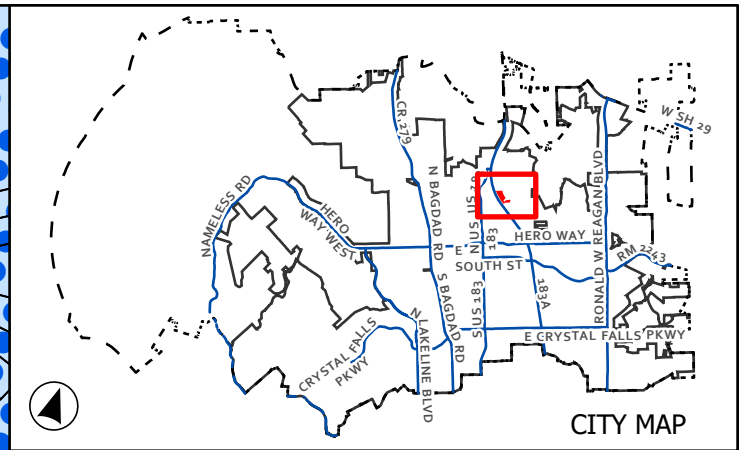
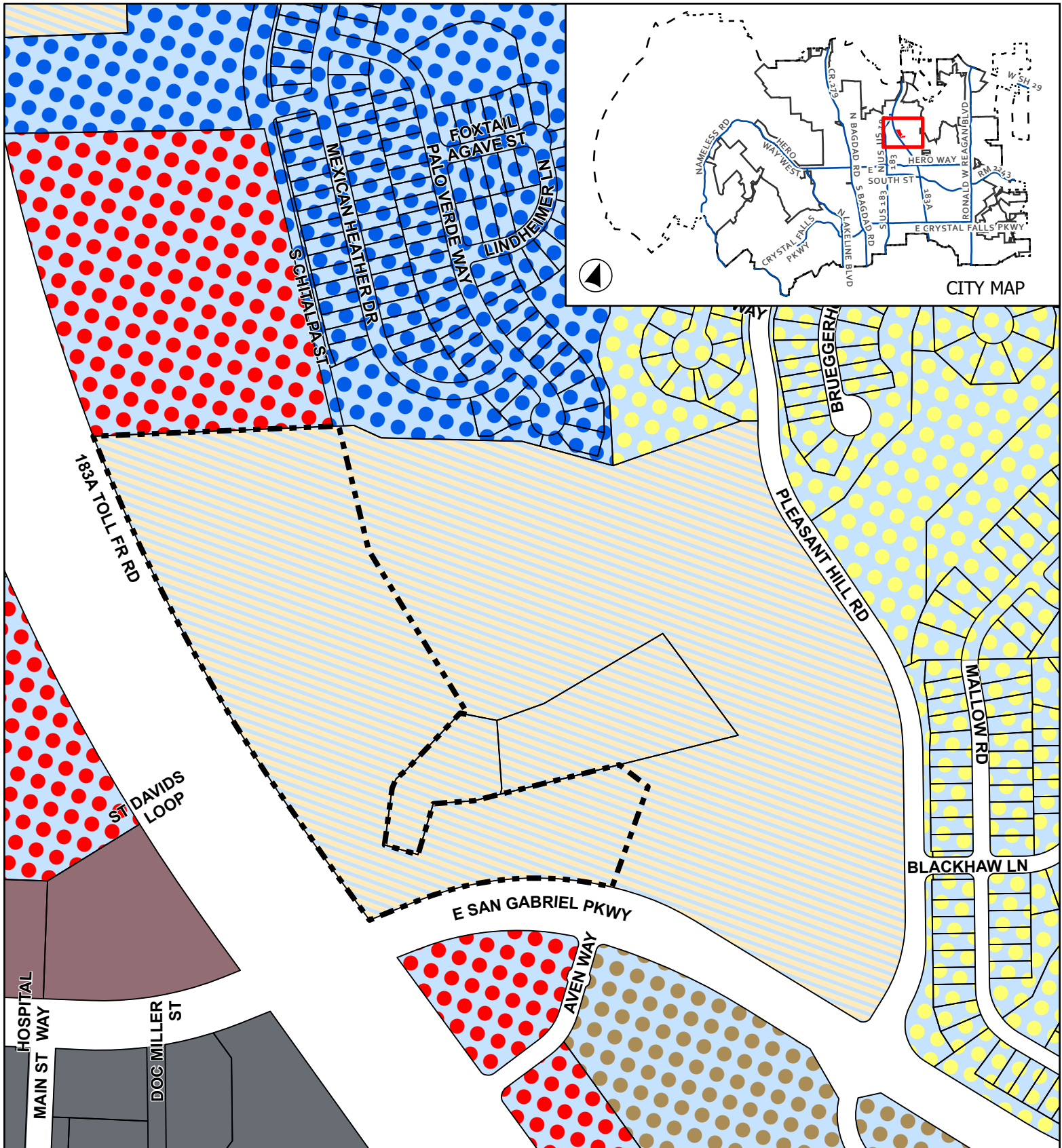
Please see the full report from the applicant attached.

APPROVAL CRITERIA:

This request includes a base zoning of General Commercial which is compatible with the Activity Center. The General Commercial designation is appropriate for this site as it is located at the intersection of 183A Toll Road and E. San Gabriel Parkway, two major arterials.

This Planned Unit Development includes the following higher standards and is requesting the following waivers.

HIGHER STANDARDS	WAIVERS
Prohibited uses normally allowed with the GC Use component	Height increase to 60' by right, except for the excluded area
Master Sign Plan	Allow for the submission of a Concept Plan for only the commercial portion
Limitation on the location of a gas station and car wash	



CASE: Z-22-0023

ATTACHMENT 2

PIONEER FARMSTEAD

Current Zoning

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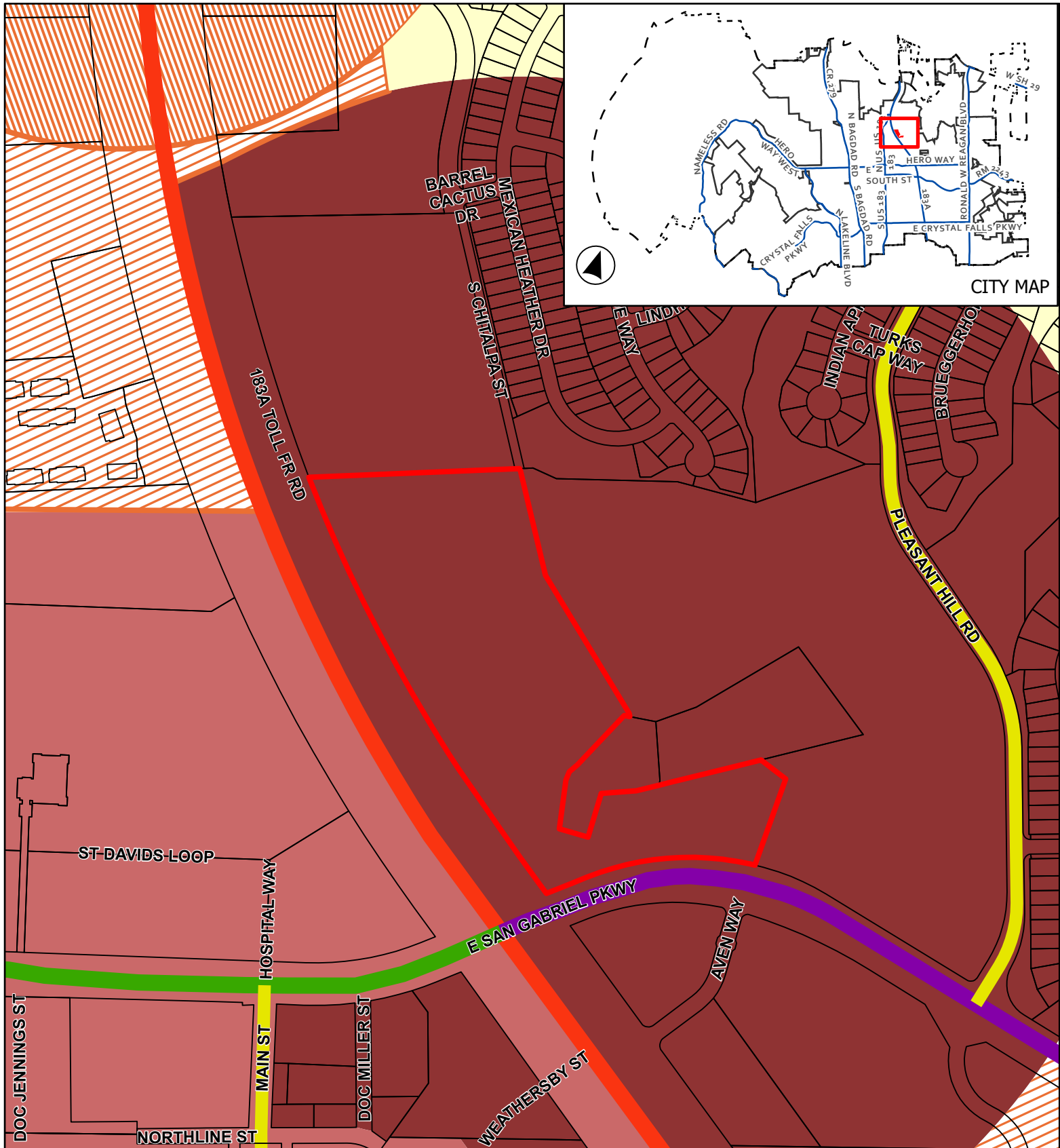
	Leander City Limits		PUD - Mixed Use
	Extra-Territorial Jurisdiction		PUD - General Commercial
	Subject Boundary		CD - Conventional Sector
	PUD - Single-Family		T5 - Urban Center
	PUD - Multi-Family		T6 - Urban Core



0 137.5275



Feet



CASE: Z-22-0023 ATTACHMENT 3 PIONEER FARMSTEAD

Future Land Use Map

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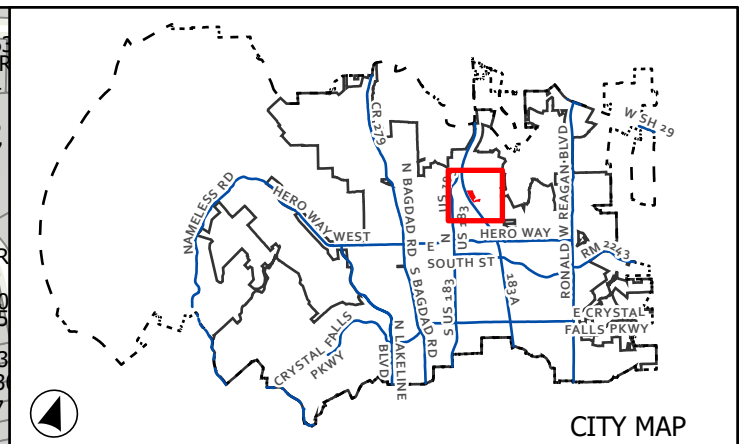
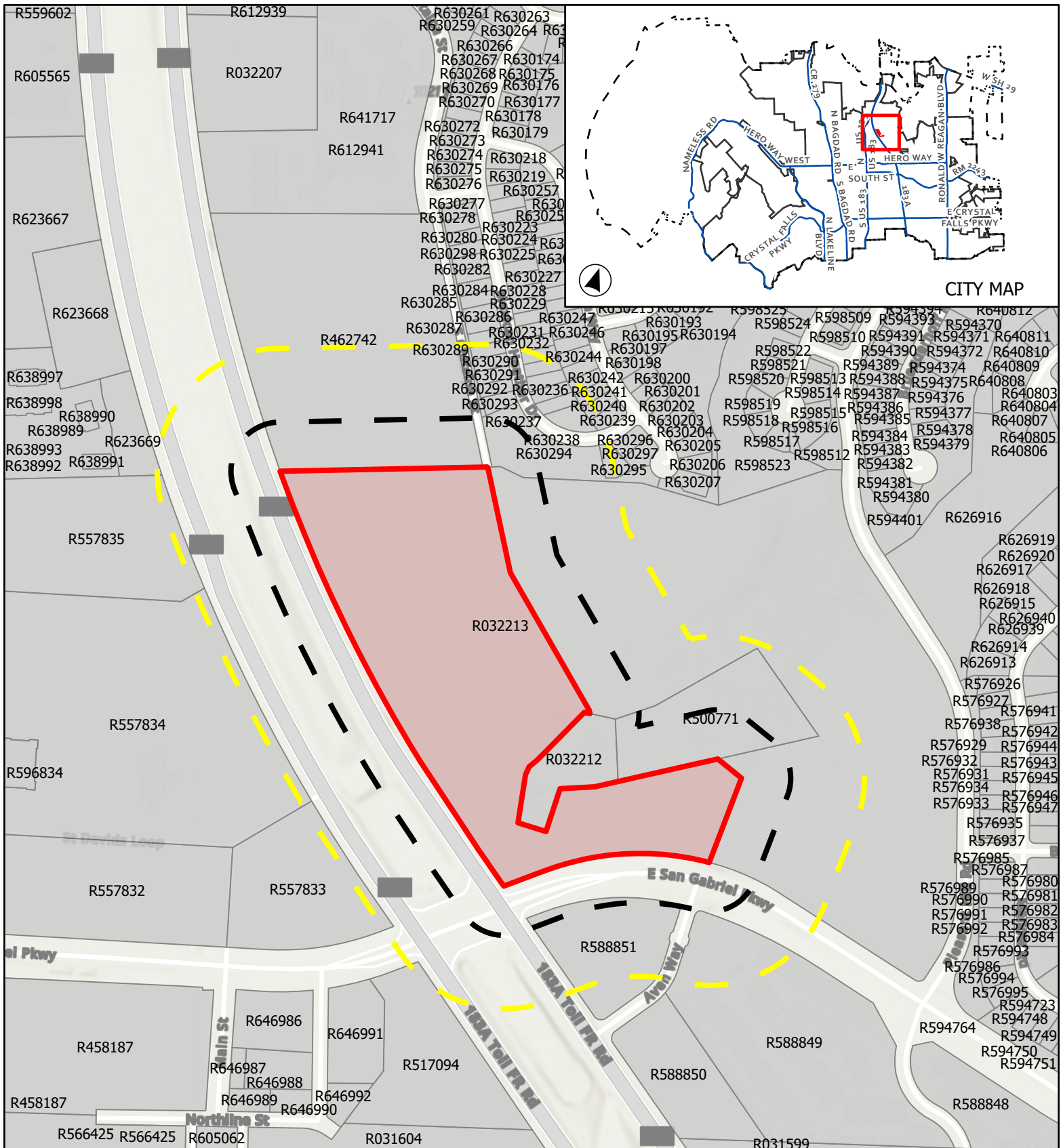
Legend

- Leander City Limits
- ETJ Boundary
- Subject Boundary
- Future Land Use**
 - Activity Center
 - Leander Central
 - Multi-Use Corridor
 - Multi-Use Corridor - Priority Corridor

- Neighborhood Center - Priority Corridor
- Neighborhood Residential
- Thoroughfare Plan**
 - Access Controlled, Existing
 - Arterial 6 Lane, Existing
 - Arterial 4 Lane, Existing
 - Collector, Existing

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Feet

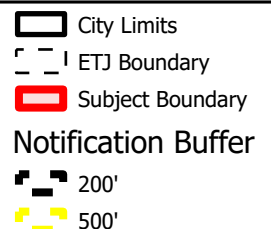
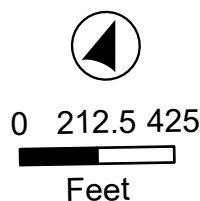
Page 30 of 243

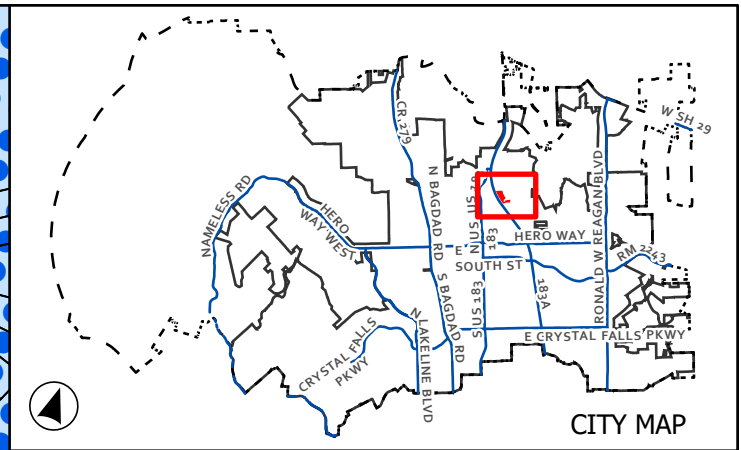
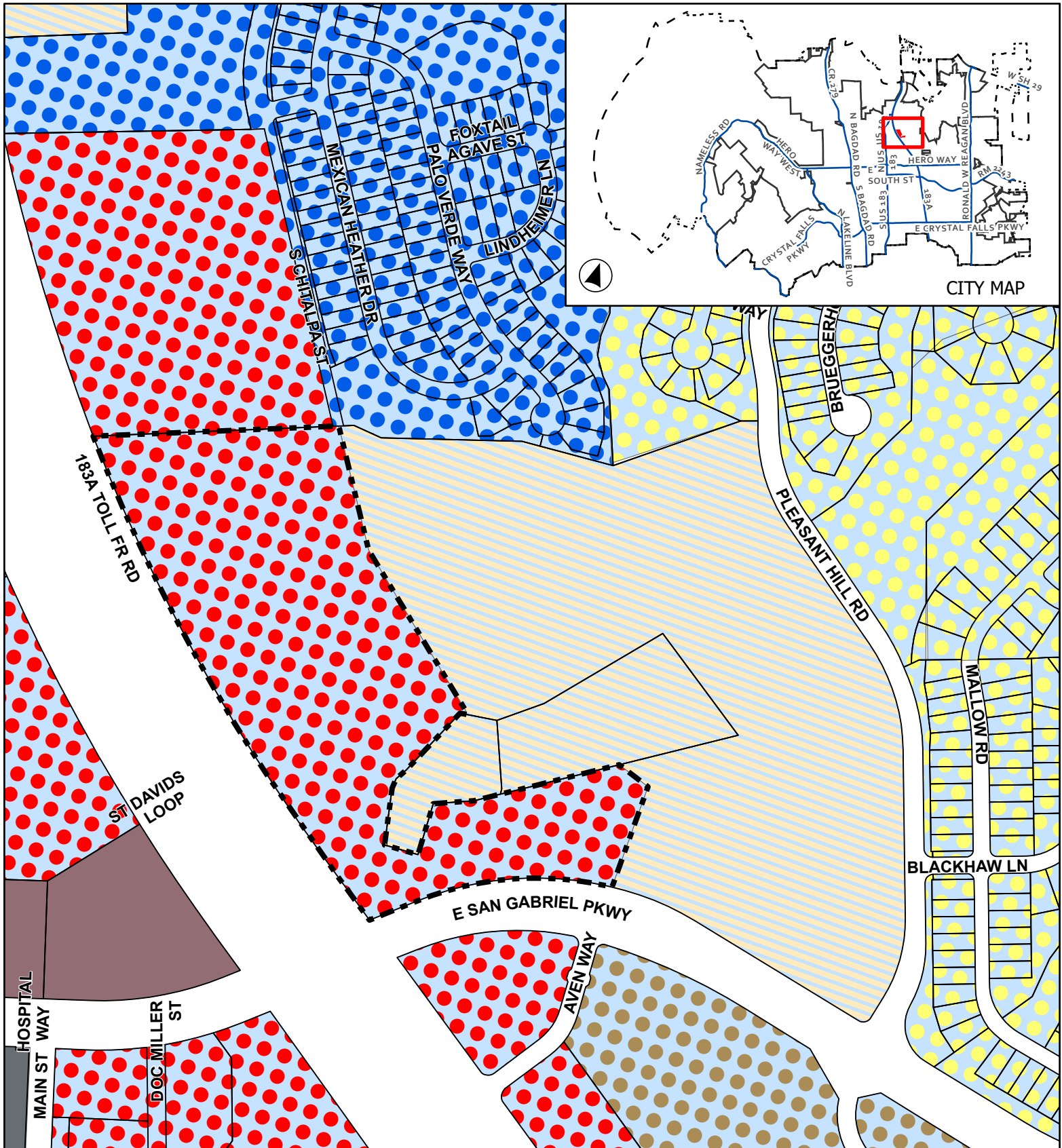


CASE: Z-22-0023 ATTATCHMENT 4 PIONEER FARMSTEAD

Public Notification Map

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CASE: Z-22-0023

ATTACHMENT 5

PIONEER FARMSTEAD

Proposed Zoning

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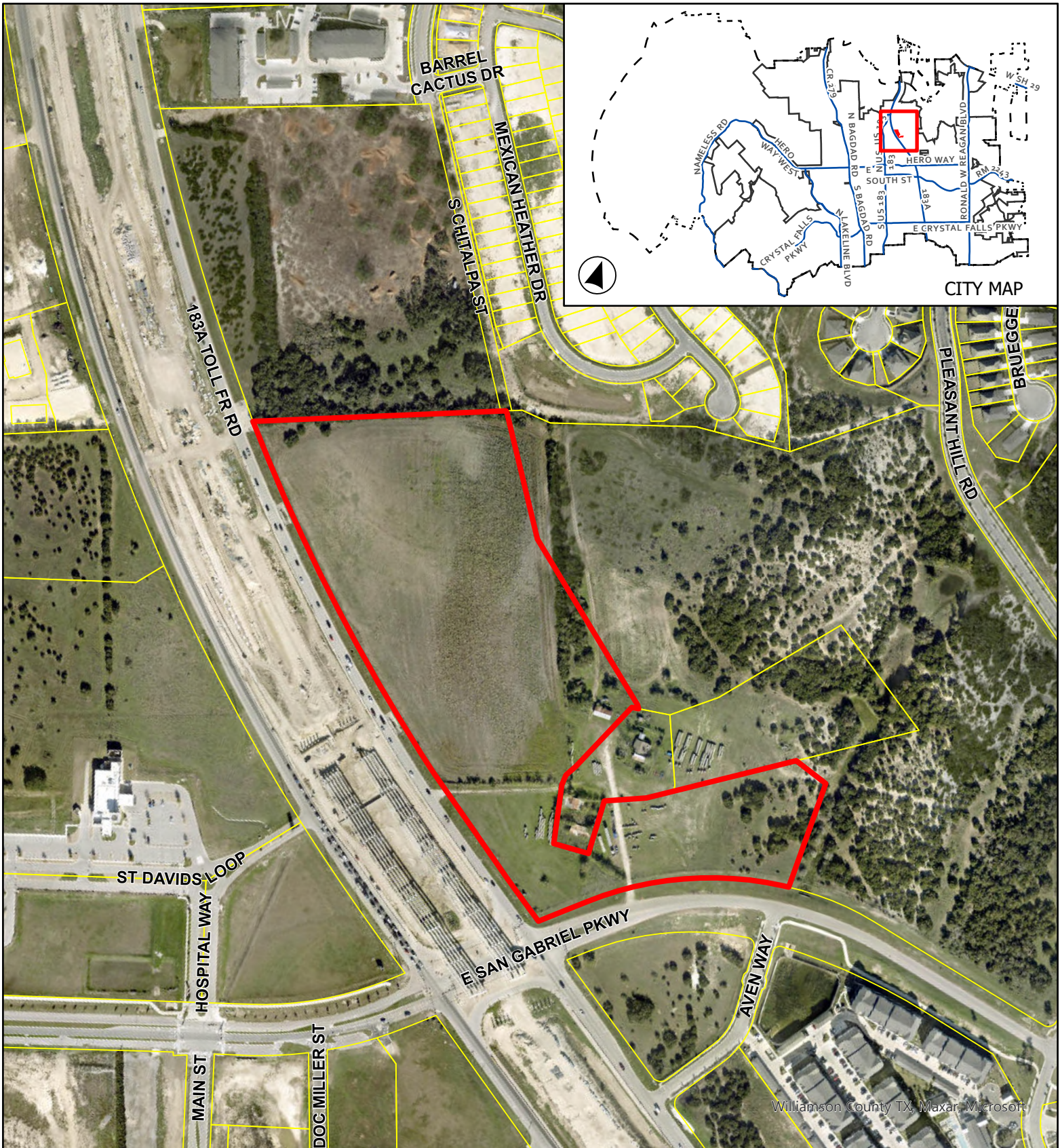
	Leander City Limits		PUD - Mixed Use
	Extra-Territorial Jurisdiction		PUD - General Commercial
	Subject Boundary		CD - Conventional Sector
	PUD - Single-Family		T5 - Urban Center
	PUD - Multi-Family		T6 - Urban Core



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Feet



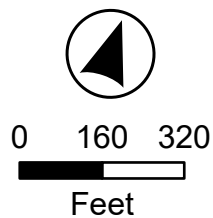
CASE: Z-22-0023

ATTACHMENT 6

PIONEER FARMSTEAD

Aerial Map

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- Leander City Limits
- Subject Boundary

Exhibit A

Pioneer Farmstead Planned Unit Development

A. Purpose and Intent

1. The Pioneer Farmstead Planned Unit Development ("PUD") is comprised of approximately ~~22.056-65~~ acres, as shown in **Exhibit B** (the "Property"), located in the City of Leander (the "City"), Williamson County, Texas. The PUD is located in a designated Activity Center, ~~as well as along a Multi-Use Corridor — Priority Corridor (183A Toll)~~ as identified in the City of Leander 2020 Comprehensive Plan. The PUD parcel ~~surrounds~~ is located adjacent to the historic Pioneer Farmstead tract (the "Farmstead Tract"), which is currently owned by the City of Leander. The intent of this PUD is ~~the to~~ developed a walkable and connected ~~mixed-use~~ commercial project that not only complements but enhances the Farmstead Tract. The PUD is striving to provide opportunities to engage the users of the PUD and residents ~~of the whole~~ of the City of Leander ~~with both the project and the historic property~~.
2. The PUD has frontage on ~~three roadways, the~~ 183A ~~Toll~~ Toll Road and, San Gabriel Parkway, and Pleasant Hill Road. The development of this property includes ~~approximately 18.7 acres of only~~ commercial uses ~~and approximately 27.2 acres of residential uses. An additional approximately 3.6 acres of the PUD along Pleasant Hill Road is proposed as publicly accessible open space which will also provide a direct connection to the Farmstead Tract (the "Open Space Tract"). The Open Space Tract also includes water quality and detention facilities for the PUD. Additional pedestrian connection points to Dogwood Park to the northeast are also proposed.~~
3. An internal street network is proposed in the PUD to break up the project into a minimum of ~~five (5)~~ three (3) walkable blocks. The streets proposed in the PUD will include dedicated public streets as well as private streets.

B. Applicability and Base Zoning

1. All aspects regarding the development of this PUD shall comply with the City of Leander Composite Zoning Ordinance, except as established in this exhibit, titled **Exhibit A**.
2. For the purpose of establishing development standards for the PUD, the following base zoning districts ~~has~~ ve been selected from the Leander Composite Zoning Ordinance.
 - i. GC-3-A (General Commercial)
 - ~~ii. SFL-2-A (Single-Family Limited)~~
 - ~~iii. SFT-2-A (Single-Family Townhouse)~~
 - ~~iv. CH-2-A (Cottage Housing)~~
3. In the case that this **Exhibit A** does not address a specific City requirement, the Leander Composite Zoning Ordinance shall apply. Should there be a conflict between the PUD Notes and the Composite Zoning Ordinance, the PUD Notes shall control.

C. Conceptual Site Layout & Land Use Plan

1. 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.

D. Allowable / Prohibited Uses

1. The allowable uses in the PUD shall comply with the Composite Zoning Ordinance, except as established in Section D.2. below.
2. The prohibited uses shall include the following:
 - i. Animal hospital, including a crematory associated with such use on site, or a crematory associated with a cemetery.
 - ii. Animal boarding.
 - iii. Equipment or other similar goods sales, repair and service.
 - iv. Farms or truck gardens, limited to the propagation and cultivation of plants and provided further that no poultry or livestock.
 - v. Funeral home, including embalming and crematory facilities associated with an on-site funeral home or cemetery.
 - vi. Manufactured housing sales and accessory building sales.
 - vii. Office/warehouse including painting, plumbing, or other similar commercial service.
 - viii. Transportation related facilities including commercial parking lots, passenger terminals, taxi cab stations and mass transit terminals.
 - ix. New vehicle and major equipment sales, rental or leasing, repair of new or used vehicles, body shop, wholesale activities with less than 3,500 square feet of gross area of the business.
3. PUD shall be allowed to include a maximum of one (1) gas station use and a maximum of one (1) car wash use. Such gas station and car wash uses shall not be located adjacent to the Farmstead Tract.
- ~~4. The maximum residential unit count shall be 325 units.~~
 - ~~i. Residential uses utilizing the SFT base district standards shall be limited to up to 70% of the total residential uses.~~

E. Development Standards

1. The following additional standards or modifications shall apply:
 - ~~i. SFT District:~~
 - ~~a. Units shall have a common wall or be separated by at least ten (10) feet from an adjacent unit.~~
 - ~~b. A residential condominium regime may be implemented.~~
 - ~~c. Residential units shall front onto the historic Farmstead Tract when such residential units abut the Farmstead Tract. The rear of the units shall not face the Farmstead Tract.~~
 - ~~ii. CH District:~~
 - ~~a. Residential units shall front onto the historic Farmstead Tract when such residential units abut the Farmstead Tract. The rear of the units shall not face the Farmstead Tract.~~
 - i. Maximum Height:

- a. The maximum height for commercial uses is limited to sixty (60') feet except when fronting 183A Toll roadway and adjacent to the Farmstead Tract, as depicted by the hatched portion of the commercial land use area of **Exhibit C**.
- b. The maximum height for commercial uses fronting 183A Toll and abutting the Farmstead Tract is 30 feet, as depicted by the hatched portion of the commercial land use area of **Exhibit C**.
- ~~c. The maximum height for residential uses is limited to 40 feet.~~

F. Parkland and Trails

- ~~1. The PUD shall provide approximately 3.6 acres as public open space on the Open Space Tract. The water quality and detention pond for the PUD shall be built within this Open Space Tract.~~
- ~~2. The PUD also proposes pedestrian connections to Dogwood Park located northeast of the PUD and a direct connection from the Open Space Tract in the form of trails, sidewalks and/or other pedestrian connections as approved by the Director shall also be required.~~
- ~~3. Provision of this Open Space Tract shall satisfy all parkland dedication, fee-in-lieu and park improvement fee requirements for the development of the PUD.~~

G.F. Signage and Branding

1. A Master Sign Plan shall be provided for review with the site development permit plans.
2. All signs and branding elements must conform to standards outlined in the signage and branding master plan.
3. Before a sign may be permitted or constructed within this PUD, the signage and branding master plan must be submitted, reviewed, and approved by the City.

G. Concept Plan

- ~~4.1. At the time of subdivision review, the requirements of Article II, Section 21(a)(2) of the City of Leander Subdivision Ordinance shall be modified to allow the property subject to this PUD to be submitted as a separate Concept Plan without including all properties under common ownership.~~



*This exhibit is conceptual and has not been reviewed for compliance with the Composite Zoning Ordinance or Subdivision Ordinance.

LEGEND

Commercial (+/-22.0 acres)

Property Line

City-Owned Property (6 acres)

Building Height & Setback limitations Boundary

1. Farmstead Preservation Site

2. Vehicular Entry



Amanda Swor
direct dial: (512) 807-2904
aswor@drennergroupp.com

December 5, 2024

Ms. Robin Griffin
Development Services Department
City of Leander
201 N. Brushy Street
Leander, TX 78641

Via Electronic Delivery

Re: Pioneer Farmstead PUD – Planned Unit Development (“PUD”) update for the zoning application for the 22.0-acre piece of property located at the northeast corner of Highway 183A Toll Road and San Gabriel Parkway, Leander, Williamson County, Texas (the “Property”).

Dear Ms. Griffin:

As representatives of the owner of the Property, we respectfully submit this Letter of Intent for the above-referenced PUD application. The project is titled Pioneer Farmstead PUD, is 22.0 acres and is located at the northeast corner of Highway 183A Toll Road and San Gabriel Parkway. The requested rezoning of the Property is from TOD-CD, Transit Oriented Development – Conventional District, district to TOD-PUD, Transit Oriented Development – Planned Unit Development, district. The Property is currently undeveloped and surrounds the historic Pioneer/Bryson Farmstead parcel. The owner intends to develop the Property with a commercial project.

The PUD proposes GC-3-A, General Commercial, base zoning for PUD. Code modifications are requested with the PUD as outlined in the attached Exhibit A. An internal street network is proposed which will break up the parcel into a minimum of three (3) distinct, walkable blocks. The Conceptual Site Layout is included in this PUD application package as Exhibit B. The Property is located in Activity Center 5 per the 2020 Leander Comprehensive Plan and the proposed project is in alignment with the land use requirements of the comprehensive plan.

This PUD application was initially submitted on June 9, 2022 for a larger 56.65-acre parcel that consisted of commercial, single family residential and townhome uses. A Comprehensive Plan Amendment was submitted to accompany the PUD rezoning request to amend the land use mix permitted in Activity Center 5 to align the Project with the Comprehensive Plan. The previous PUD rezoning and Comprehensive Plan Amendment requests were heard by the Planning and

Zoning Commission on July 18, 2024; both requests received a recommendation of denial. The predominant reason for the denial was due to the proposed residential uses on the Property, and the lack of staff support for the Comprehensive Plan Amendment application. We have considered all feedback received from the Planning and Zoning Commission and City staff and have revised our PUD rezoning request to remove all residential uses from the PUD and to reduce the area being rezoned from 56.65 acres to 22.0 acres. We have also withdrawn our Comprehensive Plan Amendment application as it is no longer necessary to accompany a commercial PUD.

Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Very truly yours,

A handwritten signature in blue ink that reads "Amanda Swor". The signature is fluid and cursive, with the first name "Amanda" being larger and more prominent than the last name "Swor".

Amanda Swor

CC: Nuresh Maknojia, Euphoria Developer, LLC (*via electronic delivery*)
Amirali Maknojia, Euphoria Developer, LLC (*via electronic delivery*)
Claire Hempel, Design Workshop (*via electronic delivery*)

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.

The applicant prepared a notification flyer regarding the project which included contact information for Amanda Swor and Kate Kniejski (both of Drenner Group), as well as general PUD details and the Land Use Plan. These flyers were hand-delivered on March 22, 2024 to all the residential properties within 500 feet of the proposed PUD property. Additionally, a letter was mailed to the neighborhood's HOA Board by certified mail on March 21, 2024. The addresses of all the included properties are included as an attachment to this summary, as well as the notification flyer. Kate Kniejski completed the hand-delivery of all letters.

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.

Property owners within 500 feet of the Property and the Homeowners Association were notified. A comprehensive list of all the entities who were notified is attached. We have also contacted the HOA by email and will attend the next Board meeting on April 16, 2024, where we will present the PUD to the neighbors and answer any questions that may come up.

3. What concerns were raised during these communications?

No immediate concerns were raised during hand delivery of the notification letters. We received one response from a neighbor by email, who was interested in the businesses that may move into the proposed commercial tracts of the PUD. Most folks we spoke with in person were happy to have received the notification and to be kept informed.

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

No conditions were added or modified to the PUD following the hand delivery of the letters to the neighborhood, or following the mailing of the notification to the HOA. This may change following our meeting with the neighborhood on April 16, 2024.

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

Signature: Amanda Swor

Date March 22, 2024

March 21, 2024

Re: Pioneer Farmstead PUD – a rezoning application for the 56.65-acre piece of property located at the northeast corner of Highway 183A Toll and San Gabriel Parkway in the City of Leander, Williamson County, Texas (the “Property”).

Greetings, Neighbors!

We are reaching out as representatives of the Property owner of the parcel located at the northeast corner of Highway 183A Toll and San Gabriel Parkway to inform you that we have filed a PUD rezoning application for the Property, see image on reverse side. The current zoning is CD, Conventional District, and the rezoning request is from CD to PUD, Planned Unit Development, district, which will allow for a mixed use development on the Property.

The proposed development allows for a variety of uses, including retail, office and restaurant uses along the Highway 183A Toll Frontage Road and San Gabriel Parkway, and lower density residential uses closer to Pleasant Hill Road and the interior of the Property. Additionally, approximately 3.6 acres of public open space is proposed along Pleasant Hill Road.

Property owners within 200 feet of the project will receive notice of the public hearing schedule for the PUD from the City of Leander. This notification will provide information on the date(s), time(s) and location(s) of the hearings. We anticipate public hearings to begin in late April.

We would love the opportunity to discuss the rezoning case, proposed project, and any questions you may have. Please do not hesitate to reach out to Amanda Swor or Kate Kniejski (contact information provided below) if you have any questions or concerns about the rezoning application, the City of Leander rezoning process, or the proposed project itself. We are working to schedule a virtual meeting to introduce the PUD to the community within the next few weeks – please reach out to Amanda or Kate as well if you would like to be included in correspondence related to the scheduling of the meeting.

Amanda Swor – aswor@drennergroupp.com - (512) 807-2904

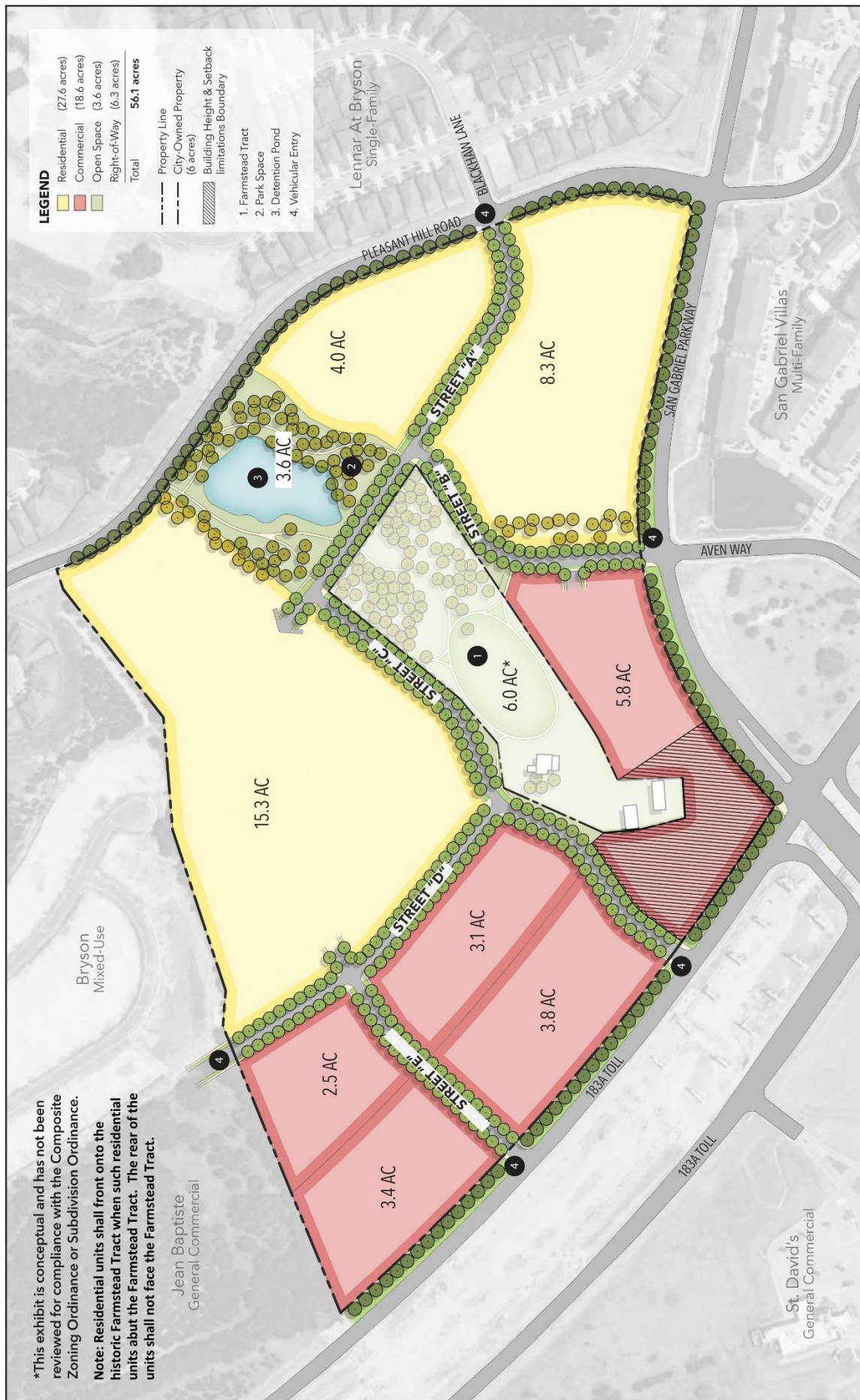
Kate Kniejski – kkniejski@drennergroupp.com - (512) 807-2905

Thank you, and we look forward to speaking with you!

Sincerely,



Amanda Swor
Drenner Group, PC



Amanda Swor
direct dial: (512) 807-2904
aswor@drennergroupp.com

April 18, 2024

Ms. Robin Griffin
Development Services Department
City of Leander
201 N. Brushy Street
Leander, TX 78641

Via Electronic Delivery

Re: Pioneer Farmstead PUD – Planned Unit Development (“PUD”) neighborhood outreach summary update for the zoning application (case number Z-22-0023) for the 56.65-acre piece of property located at the northeast corner of Highway 183A Toll Road and San Gabriel Parkway, Leander, Williamson County, Texas (the “Property”).

Dear Ms. Griffin:

As representatives of the owner of the Property, we respectfully submit this letter with an update to our neighborhood outreach efforts (“Update Letter”) for the Pioneer Farmstead PUD application (the “Project”). We initially submitted the required Neighborhood Outreach Summary (“Initial Summary”) for your review on March 25, 2024.

The Initial Summary detailed the first neighborhood outreach effort, which included block-walking to hand-deliver notification letters to all residents within 500 feet of the Property, and discussing the Project with any resident who was available to speak with us. Feedback we received during this effort was largely gratitude for the notification with no immediate questions or concerns regarding the Project.

Following initial outreach, we have electronically corresponded with one member of the Bryson Neighborhood community, Mr. Dustin Rhodes, and responded to each of his questions regarding the Project. These concerns focused mainly on traffic, noise, and crime concerns.

Additionally, we virtually attended the Bryson Community Association’s monthly meeting on April 16, 2024, during which we presented the PUD to the neighborhood, answered questions, and noted concerns. We listened to the concerns of the neighborhood group regarding the Project, and the majority of the issues that were discussed include traffic concerns, screening walls, and access to Dogwood Park.

Lastly, we are working now with the Bryson neighbors to schedule a follow-up and in-person meeting, currently anticipated to occur on April 23, 2024 at the Bryson Back Yard.

Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Very truly yours,

A handwritten signature in blue ink that reads "Amanda Swor". The signature is fluid and cursive, with the first name "Amanda" being larger and more prominent than the last name "Swor".

Amanda Swor

CC: Nuresh Maknojia, Euphoria Developer, LLC (*via electronic delivery*)
Amirali Maknojia, Euphoria Developer, LLC (*via electronic delivery*)

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING THE ZONING ORDINANCE BY CREATING THE PIONEER FARMSTEAD PUD (PLANNED UNIT DEVELOPMENT) WITH THE BASE ZONING DISTRICT OF GC-3-A (GENERAL COMMERCIAL); MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, after giving at least ten (10) days written notice to the owners of land within two hundred (200') feet of the Property, the Planning & Zoning Commission held a public hearing on the proposed rezoning and forwarded its recommendation on the rezoning to the City Council;

WHEREAS, after publishing notice of the public hearing at least fifteen (15) days prior to the date of such hearing, the City Council at a public hearing has reviewed the request and the circumstances of the Property and finds that a substantial change in circumstances of the Property, sufficient to warrant a change in the zoning of the Property, has transpired;

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

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

SECTION 2. Amendment of Zoning Ordinance. Ordinance No. 05-018-00, as amended, the City of Leander Composite Zoning Ordinance (the "Zoning Ordinance" or "Code"), is hereby modified and amended by rezoning the Property as set forth in Section 3.

SECTION 3. Applicability. This ordinance applies to the following parcel of land, which is herein referred to as the "Property". That certain parcel of land being including 22.0 acres ±; being more particularly described in Exhibit "B"; located generally located northeast of the intersection of 183A Toll Road and East San Gabriel Parkway; identified by Williamson Central Appraisal District tax identification number R032213; more particularly described in Instrument Number 2021062398; recorded in the Official Public Records of Williamson County, Texas.

SECTION 4. Property Rezoned. The Zoning Ordinance is hereby amended by creating the Pioneer Farmstead (Planned Unit Development) with the base zoning district GC-3-A (General Commercial). The PUD shall be developed and occupied in accordance with this Ordinance, the PUD plan attached as Exhibits "A", "B", and "C" which are hereby adopted and incorporated herein for all purposes, and the Composite Zoning Ordinance to the extent not amended by this Ordinance. In the event of a conflict between the Composite Zoning Ordinance and the

requirements for the Property set forth in this Ordinance, this Ordinance shall control.

SECTION 5. Recording Zoning Change. The City Council directs the Planning Department to record this zoning classification on the City's official zoning map with the official notation as prescribed by the City's zoning ordinance.

SECTION 6. Severability. Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

SECTION 7. Open Meetings. That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Loc. Gov't. Code.

PASSED AND APPROVED on First Reading this the 19th day of December, 2024.
FINALLY PASSED AND APPROVED on this the 2nd day of January, 2025.

ATTEST:

THE CITY OF LEANDER, TEXAS:

Dara Crabtree, City Secretary

Christine DeLisle, Mayor

**MASONRY DEVELOPMENT AGREEMENT
ESTABLISHING DEVELOPMENT STANDARDS
FOR THE PIONEER FARMSTEAD**

This Development Agreement Establishing Development Standards for the **Pioneer Farmstead** (the "Agreement") is made and entered into, effective as of the ____ day of _____, 20____, by and between the **City of Leander, Texas**, a Texas home rule municipal corporation (the "City"), and **Euphoria Developer, LLC** (the "Developer"). The City and the Developer are sometimes referred to herein as the "Parties." The Parties agree as follows.

Section 1. Purpose; Consideration.

- (a) The Developer owns that certain 22.0 acre tract located in Williamson County, Texas, being more particularly described in **Exhibit A** attached hereto and incorporated herein for all purposes (the "Property") and wishes to develop the Property for commercial (the "Development"). The Developer desires that the City be able to enforce the development standards set forth herein through its building permit, inspection, and certificate of occupancy processes by this agreement, given that House Bill 2439 adopted in the 86th Legislative Session limits the ability of cities to enforce certain development standards governing building materials by ordinance.
- (b) The Developer will benefit from the City enforcing the Development Standards as set forth herein because it will be more efficient and cost-effective for compliance to be monitored and enforced through the City's building permit and inspection processes and will help ensure that the Development is built out as planned by the Developer after conveyance to the builder of homes or other buildings and structures authorized by the applicable zoning regulations. The City will benefit from this Agreement by having assurance regarding certain development standards for the Development, having certainty that such Development Standards may be enforced by the City, and preservation of property values within the City.
- (c) The benefits to the Parties set forth in this Section 1, plus the mutual promises expressed herein, are good and valuable consideration for this Agreement, the sufficiency of which is hereby acknowledged by both Parties.

Section 2. Term; Termination.

- (a) The term of this Agreement shall be in full force and effect from the Effective Date hereof, subject to earlier termination as provided in this Agreement. Unless earlier terminated as provided in this Agreement, this Agreement shall terminate upon the issuance of the final certificate of occupancy for the final structure in the Development.
- (b) The Parties further mutually agree that this Agreement shall be in full force and effect upon the date above first written, provided that the City may terminate this Agreement if Developer defaults under the terms of this Agreement, subject to the notice and cure provisions in Section 6.

Section 3. Development Standards.

- (a) **Development Requirements.** The exterior wall standards set forth in this section shall apply to the structures located on the Property. At least eight-five (85%) percent for first story walls and fifty (50%) percent for each additional story shall consist of stone, brick, painted or tinted stucco, or similar material approved by the Director of Planning.
- (b) **Building Permits.** The Developer acknowledges and agrees that compliance with Section 3(a) will be a condition of issuance of building permits and certificates of occupancy. Developer further agrees that the City may use its building permitting, inspection, and enforcement processes and procedures to enforce the requirements of Section 3(a) above, including but not limited to rejection of applications and plans, stop work orders, and disapproval of inspections for applications and/or work that does not comply with this Agreement. Applications and plans for a building permit must demonstrate compliance with this Agreement in order for a building permit to be issued. Applications for building permits must be in compliance with this Agreement, as well as the Applicable Regulations, in order for such application to be approved and a building permit issued. Plans demonstrating compliance with this Agreement must accompany a building permit application and will become a part of the approved permit. Any structure constructed on the Property must comply with this Agreement and the Applicable Regulations for a certificate of occupancy to be issued for such structure.

Section 4. Development of the Property. Except as modified by this Agreement, the Development and the Property will be developed in accordance with all applicable local, state, and federal regulations, including but not limited to the City's ordinances and the zoning regulations applicable to the Property, and such amendments to City ordinances and regulations that that may be applied to the Development and the Property under Chapter 245, Texas Local Government Code, and good engineering practices (the "Applicable Regulations"). If there is a conflict between the Applicable Regulations and the Development Standards, the Development Standards shall control.

Section 5. Assignment of Commitments and Obligations; Covenant Running with the Land.

- (a) Developer's rights and obligations under this Agreement may be assigned by Developer to one (1) or more purchasers of all or part of the Property; provided the City Council must first approve and consent to any such assignment by Developer of this Agreement or of any right or duty of Developer pursuant to this Agreement, which consent shall not be unreasonably withheld or delayed.
- (b) This Agreement shall constitute a covenant that runs with the Property and is binding on future owners of the Property, and a copy of this Agreement shall be recorded in the Official Public Records of Williamson County, Texas. The Developer and the City acknowledge and agree that this Agreement is binding upon the City and the Developer and their respective successors, executors, heirs, and assigns, as applicable, for the term of this Agreement.

Section 6. Default. Notwithstanding anything herein to the contrary, no party shall be deemed to be in default hereunder until the passage of fourteen (14) business days after receipt by such party of written notice of default from the other party. Upon the passage of fourteen (14) business days

without cure of the default, such party shall be deemed to have defaulted for purposes of this Agreement; provided that if the nature of the default is that it cannot reasonably be cured within the fourteen (14) business day period, the defaulting party shall have a longer period of time as may be reasonably necessary to cure the default in question; but in no event more than sixty (60) days. In the event of default, the non-defaulting party to this Agreement may pursue the remedy of specific performance or other equitable legal remedy not inconsistent with this Agreement. In addition to the other remedies set forth herein, the City may withhold approval of a building permit application or a certificate of occupancy for a structure that does not comply with the Development Standards. All remedies will be cumulative and the pursuit of one authorized remedy will not constitute an election of remedies or a waiver of the right to pursue any other authorized remedy.

Section 7. Reservation of Rights. To the extent not inconsistent with this Agreement, each party reserves all rights, privileges, and immunities under applicable laws, and neither party waives any legal right or defense available under law or in equity.

Section 8. Attorneys Fees. In the event of action pursued in court to enforce rights under this Agreement, the prevailing party shall be entitled to its costs and expenses, including reasonable attorneys' fees, incurred in connection with such action.

Section 9. Waiver. Any failure by a party to insist upon strict performance by the other party of any provision of this Agreement will not, regardless of length of time during which that failure continues, be deemed a waiver of that party's right to insist upon strict compliance with all terms of this Agreement. In order to be effective as to a party, any waiver of default under this Agreement must be in writing, and a written waiver will only be effective as to the specific default and as to the specific period of time set forth in the written waiver. A written waiver will not constitute a waiver of any subsequent default, or of the right to require performance of the same or any other provision of this Agreement in the future.

Section 10. Force Majeure.

- (a) The term "force majeure" as employed herein shall mean and refer to acts of God; strikes, lockouts, or other industrial disturbances; acts of public enemies, orders of any kind of the government of the United States, the State of Texas or any civil or military authority; insurrections; riots; epidemic; landslides; lightning, earthquakes; fires, hurricanes; storms, floods; washouts; droughts; arrests; restraint of government and people; civil disturbances; explosions; breakage or accidents to machinery, pipelines, or canals; or other causes not reasonably within the control of the party claiming such inability.
- (b) If, by reason of force majeure, any party hereto shall be rendered wholly or partially unable to carry out its obligations under this Agreement, then such party shall give written notice of the full particulars of such force majeure to the other party within ten (10) days after the occurrence thereof. The obligations of the party giving such notice, to the extent effected by the force majeure, shall be suspended during the continuance of the inability claimed, except as hereinafter provided, but for no longer period, and the party shall endeavor to remove or overcome such inability with all reasonable dispatch.
- (c) It is understood and agreed that the settlement of strikes and lockouts shall be entirely within

the discretion of the party having the difficulty, and that the above requirement that any Force Majeure shall be remedied with all reasonable dispatch shall not require that the settlement be unfavorable in the judgment of the party having the difficulty.

Section 11. Notices. Any notice to be given hereunder by any party to another party shall be in writing and may be effected by personal delivery or by sending said notices by registered or certified mail, return receipt requested, to the address set forth below. Notice shall be deemed given when deposited with the United States Postal Service with sufficient postage affixed.

Any notice mailed to the City shall be addressed:

City of Leander
Attn: City Manager
P.O. Box 319
Leander, Texas 78646
Williamson County

with copy to:

The Knight Law Firm, LLP
Attn: Paige H. Saenz, Partner
223 West Anderson Lane, Suite A-105
Austin, Texas 78752
Travis County

Any notice mailed to the Developer shall be addressed:

Euphoria Developer, LLC
Amirali K. Maknojia, Managing Director
11712 Shoreview Overlook
Austin, Texas 78732
Travis County

Any party may change the address for notice to it by giving notice of such change in accordance with the provisions of this section.

Section 12. Waiver of Alternative Benefits. The Parties acknowledge the mutual promises and obligations of the Parties expressed herein are good, valuable and sufficient consideration for this Agreement. Therefore, save and except the right to enforce the obligations of the City to perform each and all of the City's duties and obligations under this Agreement, Developer hereby waives any and all claims or causes of action against the City Developer may have for or with respect to any duty or obligation undertaken by Developer pursuant to this Agreement, including any benefits that may have been otherwise available to Developer but for this Agreement.

Section 13. Severability. Should any court declare or determine that any provisions of this Agreement is invalid or unenforceable under present or future laws, that provision shall be fully severable; this Agreement shall be construed and enforced as if the illegal, invalid, or unenforceable provision had never comprised a part of this Agreement and the remaining provisions of this Agreement shall remain in full force and effect and shall not be affected by the

illegal, invalid, or unenforceable provision or by its severance from this Agreement. Furthermore, in place of each such illegal, invalid, or unenforceable provision, there shall be added automatically as a part of this Agreement a provision as similar in terms to such illegal, invalid, or unenforceable provision as may be possible and be legal, valid, and enforceable. Texas law shall govern the validity and interpretation of this Agreement.

Section 14. Agreement and Amendment. This Agreement, together with any exhibits attached hereto, constitutes the entire agreement between Parties and may not be amended except by a writing approved by the City Council of the City that is signed by all Parties and dated subsequent to the date hereof.

Section 15. No Joint Venture. The terms of this Agreement are not intended to and shall not be deemed to create any partnership or joint venture among the parties. The City, its past, present and future officers, elected officials, employees and agents, do not assume any responsibilities or liabilities to any third party in connection with the development of the Property. The City enters into this Agreement in the exercise of its public duties and authority to provide for development of property within the City pursuant to its police powers and for the benefit and protection of the public health, safety, and welfare.

Section 16. No Third Party Beneficiaries. This Agreement is not intended, nor will it be construed, to create any third-party beneficiary rights in any person or entity who is not a party, unless expressly provided otherwise herein, or in a written instrument executed by both the City and the third party. Absent a written agreement between the City and third party providing otherwise, if a default occurs with respect to an obligation of the City under this Agreement, any notice of default or action seeking a remedy for such default must be made by the Owner.

Section 17. Effective Date. The Effective Date of this Agreement is the defined date set forth in the first paragraph.

Section 18. Recordation. This Agreement shall be recorded in the Official Public Records of Williamson County, Texas.

Section 19. Texas Law Governs. This Agreement shall be governed by and construed in accordance with the laws of the State of Texas and shall be performable in Williamson County, Texas. Venue shall lie exclusively in Williamson County, Texas.

Section 20. Anti-Boycott Verification. To the extent this Agreement constitutes a contract for goods or services within the meaning of Section 2270.0002 of the Texas Government Code, as amended, solely for purposes of compliance with Chapter 2270 of the Texas Government Code, and subject to applicable Federal law, the Developer represents that neither the Developer nor any wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of Developer (i) boycotts Israel or (ii) will boycott Israel through the term of this Agreement. The terms “boycotts Israel” and “boycott Israel” as used in this paragraph have the meanings assigned to the term “boycott Israel” in Section 808.001 of the Texas Government Code, as amended.

Section 21. Iran, Sudan and Foreign Terrorist Organizations. To the extent this Agreement

constitute a governmental contract within the meaning of Section 2252.0151 of the Texas Government Code, as amended, solely for purposes of compliance with Chapter 2252 of the Texas Government Code, and except to the extent otherwise required by applicable federal law, Developer represents that Developer nor any wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of Developer is a company listed by the Texas Comptroller of Public Accounts under Sections 2270.0201, or 2252.0153 of the Texas Government Code.

Section 22. Time is of the Essence. It is acknowledged and agreed by the Parties that time is of the essence in the performance of this Agreement.

Section 23. Exhibits. The following exhibits are attached to this Agreement, and made a part hereof for all purposes:

Exhibit A – Property Description & Sketch

EXECUTED in multiple originals this the ____ day of ____, 20__.

CITY:

City of Leander, Texas

a Texas home-rule municipal corporation

Attest:

By: _____
Name: Dara Crabtree
Title: City Secretary

By: _____
Name: Christine DeLisle
Title: Mayor

THE STATE OF TEXAS §
COUNTY OF _____ §

This instrument was acknowledged before me on this ____ day of _____, 20__, by _____, Mayor of the City of Leander, Texas, a Texas home-rule municipal corporation, on behalf of said corporation.

(SEAL)

Notary Public, State of Texas

DEVELOPER:

By: [Signature]
Name: AMIRALI K MAKNOJIA
Title: managing member

THE STATE OF TEXAS §
COUNTY OF Williamson §

This instrument was acknowledged before me on this 20th day of February, 2024, by Amirali K. Maknoja of Euphoria Developments, a Texas company, on behalf of said company.

(SEAL)

[Signature]
Notary Public, State of Texas

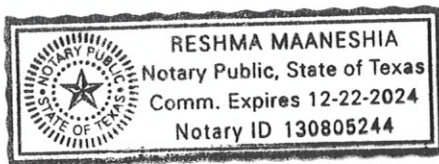


EXHIBIT “A”

Description of Property





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

Pat Bryson Municipal Hall
201 North Brushy Street - Leander, Texas
Thursday, July 25, 2024
Regular Meeting at 6:00 PM



**Place 1 – Donnie Mahan
Place 2 – John Cosgrove
Place 3 – Ron May
Place 4 – Deirdre Moss**

**Place 5 – James Oliver, Vice Chair
Place 6 – Laura Lantrip, Chair
Place 7 – Scott Calame
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 were present.
3. Director's report to the Planning & Zoning Commission on action taken by City Council on the July 18, 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 the consent agenda item #6.

By: Board Member May

Seconded: Board Member Calame

Vote: 7 - 0 None

6. Approval of the minutes for meeting held on June 27, 2024.

PUBLIC HEARING: ACTION

7. Conduct a Public Hearing and consider action regarding Comprehensive Plan Case CPA-23-0007 to amend the Comprehensive Plan to update the mix of land uses associated with the Activity Center and Zoning Case Z-22-0023 to amend the current zoning of TOD/PUD-CD (Transit Oriented Development / Planned Unit Development – Conventional Development Sector) to adopt the Pioneer Farmstead PUD (Planned Unit Development) with the base zoning of SFL-2-A (Single-Family Limited), SFT-2-A (Single-Family Townhouse), CH-2-A (Cottage Housing), and GC-3-A (General Commercial) on one (1) parcel of land approximately 56.65 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R032213; and generally located northeast of the intersection of 183A Toll Road and East San Gabriel Parkway, Leander, Williamson County, Texas.

- Discuss and consider action regarding CPA-23-0007 as described above.
- Discuss and consider action regarding Zoning Case Z-22-0023 as described above.

Submitted via the website in opposition of the request: see attached.

Benjamin Davis and Laura Marques spoke against. No one spoke in favor.

Motion: To deny the Comprehensive Plan Amendment Request.

By: Board Member Cosgrove
Seconded: Board Member Mahan

Vote: 7 - 0 None

Motion: To deny the zoning request.

By: Board Member Cosgrove
Seconded: Board Member Moss

Vote: 7 - 0 None

REGULAR AGENDA

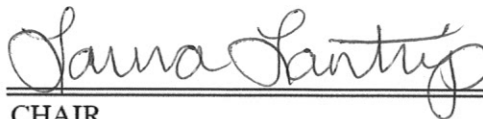
8. Discuss and consider action on Tree Removal Case TRP-24-0024 regarding removal of two (2) Heritage Trees and fourteen (14) Significant Trees associated with the Austin Shoe Hospital Site Development Project located at 108 County Glen Road, Leander, Williamson County, Texas. Motion: To approve the tree removal

By: Board Member Calame
Seconded: Board Member Moss

Vote: 5 - 2 Board Member Mahan, Board Member Cosgrove

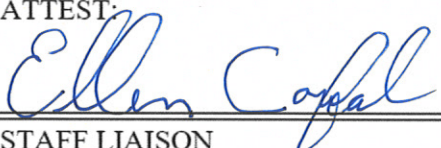
9. Adjournment Meeting adjourned at 6:47 p.m.

APPROVED



CHAIR

ATTEST:


STAFF LIAISON

		Do you live within Leander city limits?		My agenda item or case number:		My position on the above agenda item or case number:	
Submission Date	First Name	Last Name	Home Address	Phone Number			

7/22/2024 10:09	Laura	Marques	724 Mallow Rd.	5048742031	CPA-23-0007	I am AGAINST this item.
7/22/2024 15:14	Benjamin	Davis	1924 Woolsey Way	8587746716	Z-22-0023	I am AGAINST this item.
7/21/2024 18:03	Amber	Mendoza	2017 Running Brushy Bnd	512-577-1579		7 I am AGAINST this item.
7/24/2024 8:19	Saran	Kota	1632 Martin wells st	12105700432	Z-22-0023 D;D D-23-0007	I am AGAINST this item.
7/24/2024 8:44	Vyas	Gannamaneni	1028 heartleaf Dr	4082039232	Z-22-0023	I am AGAINST this item.
7/24/2024 9:05	Raji	Kunapuli	1248 Mallow Rd	7348461544	CPA-23-0007	I am AGAINST this item.
7/24/2024 9:12	Sunil	Patel	1920 Woolsey Way	312-758-4050	Z-22-0023	I am AGAINST this item.
7/24/2024 9:18	Chintan	Shah	916 rabbit brush rd	233218856	L-22-0023 cpa23-0007	I am AGAINST this item.
7/24/2024 9:20	Gargi	Shah	916 rabbit brush rd	2246161179	L-22-0023 CPA-23-0007	I am AGAINST this item.
7/24/2024 9:42	pavan	deshpande	1705 martin wells st	8609909342	Z-22-0023 CPA-23-0007	I am AGAINST this item.
7/24/2024 10:39	Balamurugan	Muthusamy	529 Voyage Trce	5862025645	CPA-23-0007	I am AGAINST this item.
7/24/2024 10:40	sanjay	vaidya	2105 Abelia Lane	512-522-4485	Z-22-0023 CPA-23-0007	I am AGAINST this item.
7/24/2024 10:44	abha	vaidya	2105 Abelia Lane	512-522-4485	Z-22-0023 CPA-23-0007	I am AGAINST this item.
7/24/2024 10:57	chakradhar	kotta	1205 Frances Peyton CT	7323067984	Z-22-0023-CPA-23-0007	I am AGAINST this item.
7/24/2024 10:57	pradyut	madhavaram	940 Rabbit Brush Road	3478802691	Z-22-0023 CPA-23-0007	I am AGAINST this item.
7/24/2024 11:04	Nisarg	Patel	1141 bluewood bend	8485655435	Z-22-0023 CPA-23-0007	I am AGAINST this item.
7/24/2024 11:10	Sree	Kandula	824 Beautyberry Ln	2102942088	Z-22-0023 CPA-23-0007	I am AGAINST this item.
7/24/2024 11:35	Rama krishna	Devineni	1212 bluewood bend	860-978-8497	Non-agenda	I am AGAINST this item.
7/24/2024 12:15	Satheesh	Sankarapillai	429 Judge Fisk Dr	5127719545	Z-22-0023 CPA -23-0007	I am AGAINST this item.
7/23/2024 22:56	Vamsee	Pamidimukkala	1320 bryson ridge trl	6072327731		7 I am AGAINST this item.
7/24/2024 0:27	Sathwik Reddy	Kotna	1140 Willie Ranch Way	3095321782	Z-22-0023 CPA-23-0007 or Co	I am AGAINST this item.
7/24/2024 7:49	Sanket	Borhade	1201 bryson ridge trl	971-269-8121	Z-22-0023 CPA-23-0007	I am AGAINST this item.
7/24/2024 7:55	Sanket	Borhade	1201 bryson ridge trl	971-269-8121	Z-22-0023 CPA-23-0007	I am AGAINST this item.
7/24/2024 9:39	Rob	Schmidt	1504 Indian Apple Way	4159946391	Z-22-0023 CPA-23-0007	I am AGAINST this item.
7/24/2024 9:40	Sierra	Schmidt	1504 Indian Apple Way	5623052216	Z-22-0023 CPA-23-0007	I am AGAINST this item.
7/24/2024 10:01	Anusha	Papasani	920 Willie Ranch Way	9039522434	Z-22-0023; CPA-23-0007	I am AGAINST this item.
7/24/2024 10:10	Parth	Raskapur	805 Mallow Rd	4845292791	CPA-23-0007	I am AGAINST this item.
7/24/2024 10:12	Nikki	Ajmera	805 Mallow Rd	4159403068	CPA-23-0007	I am AGAINST this item.
7/24/2024 10:33	Nidhi	Mehta	1605 Laverne Mitchell st	9083009406	Z-22-0023CPA-23-0007	I am AGAINST this item.
7/24/2024 10:41	Rishabh	Shah	928 Donna Roland Ct	2247707647	Z-22-0023	I am AGAINST this item.
7/24/2024 10:53	Punit	Shah	1605 Laverne Mitchell St	4806263240	Z-22-0023CPA-23-0007	I am AGAINST this item.
7/24/2024 10:58	Govardhan	Chilveri	1104 Willie Ranch Way	8329336988	Z-22-02233, CPA-23-0007	I am AGAINST this item.
7/24/2024 10:59	Sunil	Patel	1920 Woosley Way	312-758-4050	CPA-23-0007; Z-22-0023	I am AGAINST this item.
7/24/2024 11:10	Arun	Singaraju	925 Mollie Mcbride Ln	9145197097	Z-22-0023-PA-23-0007	I am AGAINST this item.
7/24/2024 11:47	Christian	Sprunger	1520 Indian Apple Way	7076089868	Public Hearing item #7: Compl	I am AGAINST this item.
7/24/2024 11:52	Harshavardhan	Gavini	1220 willie ranch way	9803281850	CPA-22-0023	I am AGAINST this item.
7/24/2024 11:58	Nirali	Patel	913 Hornsby Holw	832-259-7039	Z-22-0023	I am AGAINST this item.
7/24/2024 12:00	Ajay	P	1624 Indian Apple Way	6825833936	CPA-23-0007, Z-22-0023	I am AGAINST this item.
7/24/2024 12:25	Yamini	Munaga	1156 Sweetspire St	3149011303	Z-24-0113	I am AGAINST this item.



EXECUTIVE SUMMARY
1/2/2025

AGENDA SUBJECT:

Approval of an Ordinance adopting an official map of the City of Leander, Williamson and Travis Counties, Texas attached as Exhibit “A”, Leander City Map, hereto and incorporated herein; providing for the maintenance and filing of the official map; declaring as the official City Limits and Extraterritorial Jurisdiction (ETJ); and providing an effective date.

BACKGROUND:

Each year the City adopts by ordinance the official map of the city, establishing the City limits and ETJ boundary and the process for maintaining the map as the City's boundaries change. This map includes all the annexations and updates to the city limits from the past year. This item is a housekeeping item that does not make changes to the map that were not previously part of a formal action of the City.

HISTORY/TIMELINE:

APPLICANT/AGENT:

City of Leander

RECOMMENDATION:

Staff recommends approving the ordinance.

PRESENTER:

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

Fiscal Impact

Attachments:

1. Att 1 Official City Limit Map Ordinance
2. Att 2 Official City Limit Map

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS

ORDINANCE NO.

AN ORDINANCE ADOPTING AN OFFICIAL MAP OF THE CITY OF LEANDER, WILLIAMSON AND TRAVIS COUNTIES, TEXAS ATTACHED AS EXHIBIT “A”, LEANDER CITY MAP, HERETO AND INCORPORATED HEREIN; PROVIDING FOR THE MAINTENANCE AND FILING OF THE OFFICIAL MAP; DECLARING AS THE OFFICIAL CITY LIMITS AND EXTRATERRITORIAL JURISDICTION (ETJ); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Leander, Texas, a Texas home rule municipality, (herein the “City”) has caused members of City staff to prepare a map indicating the boundaries of the City and the extraterritorial jurisdiction of the City;

WHEREAS, members of City staff have reviewed the official records of the City including duly adopted resolutions, agreements, and ordinances for annexing property into the city limits and the City’s extraterritorial jurisdiction and has presented the City with a map reflecting the official boundaries of the City and the extraterritorial boundaries based upon the official records of the City; and

WHEREAS, the map attached as Exhibit “A”, Leander City Map, hereto and incorporated herein, to this ordinance sets out the true, correct and official boundaries of the City and the City’s extraterritorial jurisdiction.

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

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

SECTION 2. Official Map. The map attached as Exhibit “A”, hereto, marked and labeled Leander City Map, is hereby adopted as the official map of the City. The official map shall be maintained in the office of the City Secretary. A copy of the map shall also be kept in the office of the City Engineer. The map may be amended and corrected from time to time by the City Council. The City limits and extraterritorial jurisdiction indicated upon said map are hereby declared to be the official City limits and extraterritorial jurisdiction for the City of Leander. All property shown on the official map as within the City limits is hereby declared to be within the City limits of the City of Leander. All property shown on the official map as within the City’s extraterritorial jurisdiction is hereby declared to be within the extraterritorial jurisdiction of the City of Leander. The City Secretary shall record the official map among the records of Williamson County and Travis County.

SECTION 3. Boundary Changes. All boundary changes after the effective date of this ordinance shall be reflected on the official map upon completion of the annexation, extension of extraterritorial jurisdiction, or other change in the boundaries of the City limits and the City’s

extraterritorial jurisdiction. The official map shall be annotated to indicate:

- (a) the date of the boundary change;
- (b) the number of the ordinance or resolution, if any, by which the change was made; and
- (c) a reference to the minutes or ordinances records or resolution records in which the ordinance or resolution is recorded in full.

SECTION 4. Effective Date. This Ordinance shall be in force and effect from and after its passage on the date shown below.

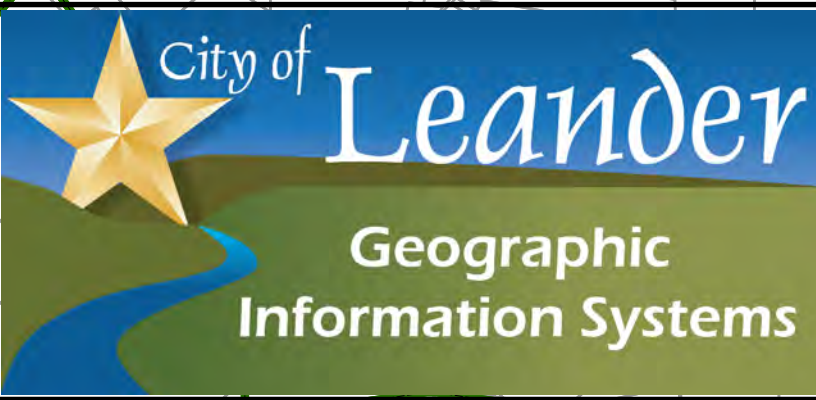
PASSED AND APPROVED on this 2nd day of January, 2025.

ATTEST:

THE CITY OF LEANDER, TEXAS

Dara Crabtree, City Secretary

Christine DeLisle, Mayor

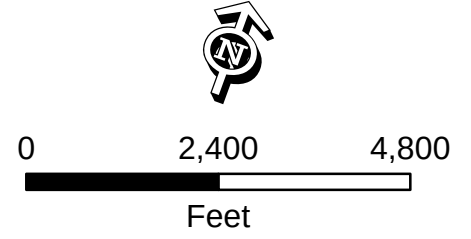


CITY OF
LEANDER, TEXAS
OFFICIAL
BOUNDARIES
January 1, 2025

Approximate Area:
City Limits: 39.21 Square Miles
E.T.J. outside of City Limits: 42.59 Square Miles
Total City Limits and E.T.J.: 81.80 Square Miles

Note: The City of Leander and its officers, agents, and employees do not represent this data to be correct or accurate in any respect or that its use will not infringe on any copyright, patent, or other rights of any third party. The City shall have no liability or responsibility for the accuracy, completeness, or usefulness of this data; and makes no representation or warranty of merchantability or fitness for any purpose, either expressed or implied. All risks of using this data are assumed by the user and/or purchaser.

- Boundary Agreement Lines
- County Line
- City of Leander - City Limits
- City of Leander - 3-1/2 Mile and Voluntary ETJ



Coordinate System: NAD 1983 StatePlane Texas Central FIPS 4203 Feet
Projection: Lambert Conformal Conic
Datum: North American 1983
False Easting: 2,096,563.3333
False Northing: 0.042,000,000
Central Meridian: -100.1833
Standard Parallel 1: 30.1167
Standard Parallel 2: 29.8833
Latitude Of Origin: 29.8667
Units: Feet US



EXECUTIVE SUMMARY
1/2/2025

AGENDA SUBJECT:

Approval of an Ordinance adopting the official zoning map of the City of Leander, Williamson and Travis Counties, Texas attached as Exhibit "A", City of Leander, Texas Zoning Map, hereto and incorporated herein; providing for the maintenance and recorded into record as the official zoning map; and providing an effective date.

BACKGROUND:

Each year the City adopts by ordinance the official zoning map of the city, establishing the zoning district boundaries and the process for maintaining the map as the City's zoning district boundaries are amended from time to time. This map includes all the changes to the zoning district boundaries that occurred in the past year. This item is a housekeeping item that does not make changes to the map that were not previously part of a formal action of the City Council.

HISTORY/TIMELINE:

APPLICANT/AGENT:

City of Leander

RECOMMENDATION:

Staff recommends approving the ordinance.

PRESENTER:

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

Fiscal Impact

Attachments:

1. Att 1 Ordinance Adoption of Official Zoning Map
2. Att 2 Zoning Map

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS

ORDINANCE NO.

AN ORDINANCE ADOPTING THE OFFICIAL ZONING MAP OF THE CITY OF LEANDER, WILLIAMSON AND TRAVIS COUNTIES, TEXAS ATTACHED AS EXHIBIT “A”, CITY OF LEANDER, TEXAS ZONING MAP, HERETO AND INCORPORATED HEREIN; PROVIDING FOR THE MAINTENANCE AND RECORDED INTO RECORD AS THE OFFICIAL ZONING MAP; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Leander, Texas, a Texas home rule municipality, (herein the “City”) maintains an official zoning map indicating the boundaries of the zoning districts within the City that are approved by the City Council from time to time;

WHEREAS, the City Council wishes to adopt an updated official zoning map that shows all zoning districts in the City that have been approved since the last adoption of an official zoning map; and

WHEREAS, the map attached as Exhibit “A”, City of Leander, Texas Zoning Map, hereto and incorporated herein, to this ordinance sets out the true, correct and official zoning districts and the zoning boundaries for the City;

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

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

SECTION 2. Official Map. The map attached as Exhibit “A”, hereto, marked and labeled City of Leander, Texas, Zoning Map, is hereby adopted as the official zoning map of the City. The official zoning map shall be maintained in the office of the City Secretary. The map may be amended and corrected from time to time by the City Council. The zoning districts and boundaries indicated upon said map are hereby declared to be the official zoning districts and zoning boundaries for the City of Leander. All properties shown on the official zoning map as within a zoning category are hereby declared to be within the zoning district and zoned accordingly to comply with the requirements of the zoning ordinance of the City of Leander. The City Secretary shall keep the official zoning map among the permanent records of the City available for inspection and review during regular business hours.

SECTION 3. Zoning Changes. All zoning changes after the effective date of this ordinance shall be reflected on the official zoning map upon completion of the zoning amendment. The official zoning map shall be annotated to indicate the date of the zoning change.

SECTION 4. Effective Date. This Ordinance shall be in force and effect from and after its passage on the date shown below.

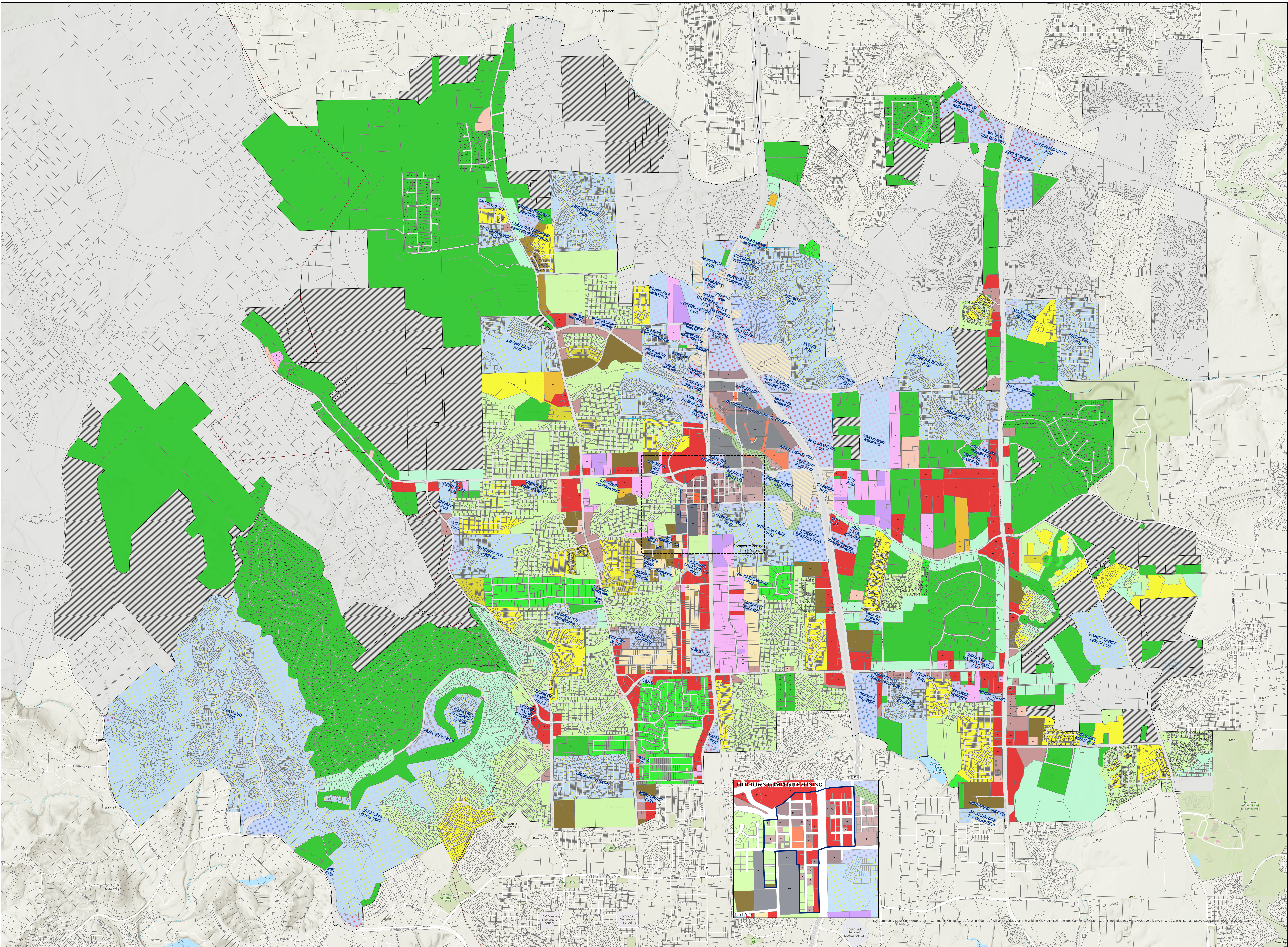
PASSED AND APPROVED on this 2nd day of January, 2025.

ATTEST:

THE CITY OF LEANDER, TEXAS

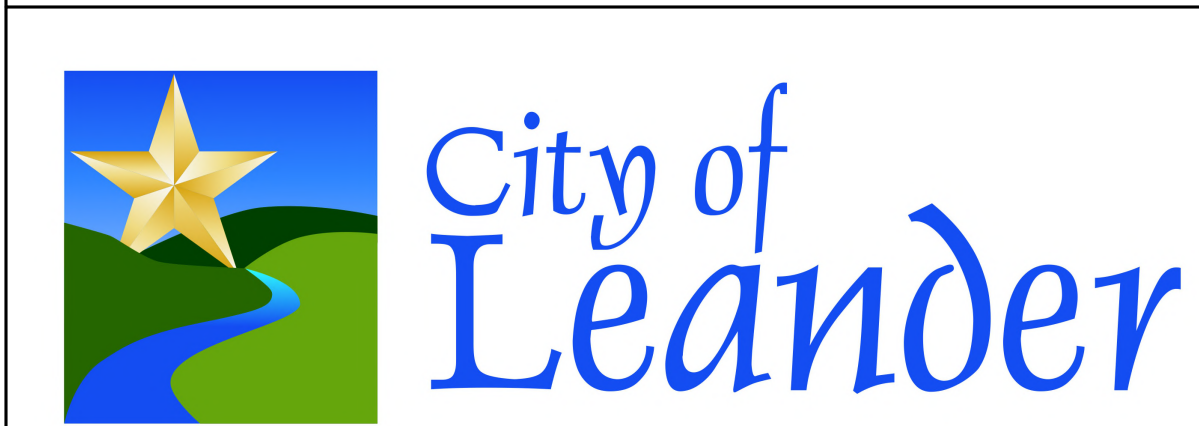
Dara Crabtree, City Secretary

Christine DeLisle, Mayor

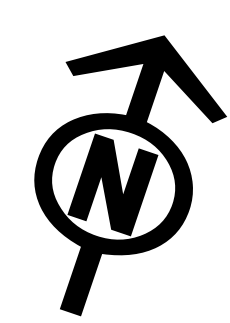
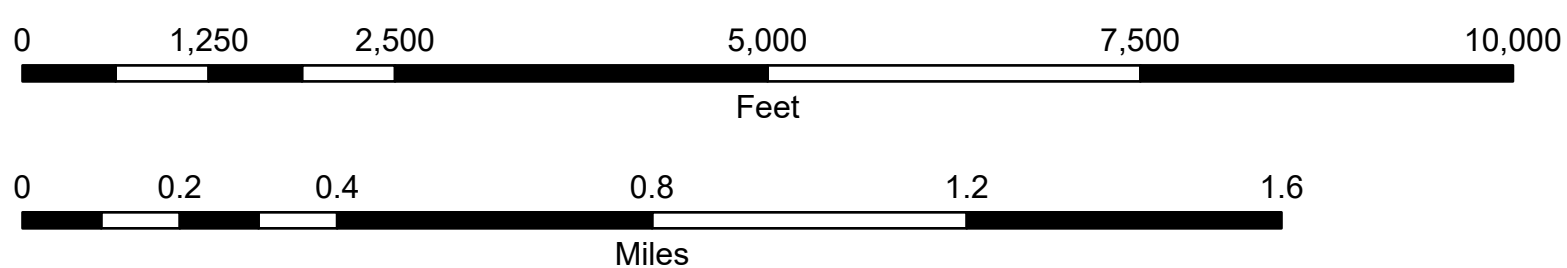


Zoning Map

Effective December 19, 2024



www.leandertx.gov



- Leander City Limits
- Extra-Territorial Jurisdiction
- Future Annexation Per DA
- Special Use Permit

Current Zoning

RESIDENTIAL

- SFR-Single-Family Rural
- SFE-Single-Family Estate
- SFS-Single-Family Suburban
- SFU-Single-Family Urban
- SFU/MH-Single-Family Urban / Manufactured Home

- SFC-Single-Family Compact
- SFL-Single-Family Limited
- CH-Cottage Housing
- SFT-Single-Family Townhouse
- TH-Tiny House
- TF-Two Family
- NR-Neighborhood Residential
- MF-Multi-Family

RETAIL/COMMERCIAL

- LO-Local Office
- LC-Local Commercial
- GC-General Commercial

INDUSTRIAL

HI-Heavy Industrial

PUD LAND USE

- PUD-Single-Family
- PUD-Cottage Housing
- PUD-Townhomes
- PUD-Multi-Family
- PUD-Mixed Use
- PUD-Local Office
- PUD-Local Commercial
- PUD-General Commercial

SECTORS

- OS-Open Space
- CD-Conventional Sector
- SI-General Sector
- S2-Station Sector

TRANSECTS

- Civic Building
- T4-General Urban
- TS-Urban Center
- T6-Urban Core
- SD-Special District

If the Site and Architecture Components are not specifically listed on the zoning map, the following apply:

- | | | | | | |
|--------|--------|---------|---------|------------|--------|
| CH-3-B | LC-2-B | SFC-2-A | SFR-1-B | SFU/MH-2-B | TH-2-B |
| GC-3-C | LO-2-B | SFC-2-B | SFR-2-B | SFU-2-A | |
| HC-4-D | MF-2-B | SFE-2-B | SFS-2-B | SFU-2-B | |
| HI-5-D | NR-2-B | SFL-2-B | SFT-2-B | TF-2-B | |

NOTE: Except for SFR districts, all single-family and two-family existing lots and future lots on land that is currently within single-family or two-family zoning districts that back up to or side to a major arterial roadway or tollway, have a Type A Architectural Component.

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



EXECUTIVE SUMMARY
1/2/2025

AGENDA SUBJECT:

Approval of the extension of the application expiration for Subdivision Case PICP-23-0094 Travisso Village twelve (12") inch waterline; more particularly described by Travis Central Appraisal District Parcel 842650, generally located northeast of the intersection of FM 1431 and Travisso Parkway, Leander, Travis County, Texas.

BACKGROUND:

This request is for an extension of the expiration date of the construction plans. Article II, Section 23(g) includes the following provisions.

(g) Application Expiration.

1. The Construction Plans application shall expire nine (9) months after the date that all initial staff review comments from all reviewing departments have been issued on the application if the construction plans are not approved due to the applicant's failure to cause the application to comply with applicable city regulations.
2. The Planning Department may grant one (1) six (6) month extension if the applicant can show substantial progress in obtaining approval of the construction plans. Substantial progress shall consist of, at a minimum, a resubmission of the construction plans and all relevant materials by the applicant that address all initial staff review comments from all reviewing departments.

The applicant is requesting an extension of the application in order to finalize the application following the finalization of external approvals.

HISTORY/TIMELINE:

05/31/2024 - Construction Plans Application Expired

11/30/2024 - Construction Plans Application Staff Extension Expired

APPLICANT/AGENT:

Carlson, Brigance, & Doering, Inc. (Geoff Guerrero) on behalf of Shops at Travisso, LLC and Kuala Ranch, Inc. (Sanford P. Aron)

RECOMMENDATION:

The Subdivision Ordinance includes timelines for application approvals. The timeline/history section of this summary above includes the key dates for this request. The construction plans application expires nine (9) months after the first review comment letter for the construction plans is sent to the applicant.

Staff recommends approval of an additional six (6) month extension. Approving this extension would grant an

extension to May 31, 2025 and will allow the developer to finalize the construction plans and schedule a pre-construction meeting.

PRESENTER:

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

Fiscal Impact

Attachments:

1. PICP-23-0094 Att 1 Request Letter - Travisso Village 12 Water Line
2. PICP-23-0094 Att 2 Location Map - Travisso Village 12 Waterline
3. PICP-23-0094 Att 3 Ordinance - Travisso Village 12 Waterline



Carlson, Brigrance & Doering, Inc.
Civil Engineering ♦ Surveying

December 12, 2024

City of Leander
Planning Department
Attn: Mrs. Robin Griffin, Executive Director of Development Services
201 N. Brushy Street
Leander, Texas 78641

RE: Travisso 12" Water Line Construction Plan
CBD Job # 5445 / City of Leander File # PICP-23-0094

Request for Extension of PICP Deadline

Dear Mrs. Griffin,

On behalf of our client, Carlson, Brigrance & Doering, Inc. respectfully requests a six-month Council approved extension to the final plat review process in accordance with Section 24 of the City of Leander's Subdivision Ordinance.

All comments have been cleared on this project as of 01/05/2024 and the project expired 05/31/2024 prior to issuance of the permit. An initial extension was submitted 12/12/2024 for the six-month period from 05/31/2024 to 12/01/2024. This request is for an additional council-approved extension now that all external approvals have been obtained and the pre-construction meeting can be held for permit issuance.

Thank you for your time and review of this project. Please let me know if you need any additional information in order to process this request.

Respectfully,
Carlson, Brigrance & Doering, Inc.

Geoff Guerrero
Senior Planner

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF LEANDER, TEXAS GRANTING AN
EXTENSION OF THE EXPIRATION OF THE CONSTRUCTION PLAN
APPLICATION FOR THE TRAVISSO VILLAGE 12" WATERLINE
SUBDIVISION.**

WHEREAS, Section 23 (g) (1) of the City's Subdivision Ordinance provides that the construction plan application expires nine (9) months after the date that all initial staff review comments from all reviewing departments have been issued on the application if the construction plan are not approved due to the applicant's failure to cause the application to comply with applicable city regulations;

WHEREAS, Section 23 (g) (2) of the City's Subdivision Ordinance provides that the Planning Department may grant one six (6) month extension if the applicant can show substantial progress in obtaining approval of the construction plan;

WHEREAS, the Planning Department granted one six (6) month extension for the construction plan application (the "Construction Plan Application") which expired on or about November 30, 2024;

WHEREAS, the City Council of the City of Leander, Texas (the "City") finds that there is good reason to grant an extension of the expiration date for the Construction Plan Application because the applicant is actively working with the Planning Department and will be able to address the construction plan comments and move forward with construction within a reasonable timeframe;

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

SECTION 1. Findings of Fact. The forgoing recitals are incorporated into this Ordinance as true and correct findings of fact.

SECTION 2. Extension Granted. The City hereby grants an extension of the expiration date for the Construction Plan Application to May 31, 2025. In the event that the Construction Plan Application is not approved by the Planning and Zoning Commission on or before to May 31, 2025, the Construction Plan Application shall expire.

SECTION 3. Effective Date. This Ordinance shall take effect immediately from and after its passage in accordance with the City Charter.

SECTION 4. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act,

Chapter 551 of the Texas Government Code.

PASSED AND APPROVED on the 2nd day of January, 2025.

ATTEST:

THE CITY OF LEANDER, TEXAS:

Dara Crabtree, City Secretary

Christine DeLisle, Mayor



EXECUTIVE SUMMARY
1/2/2025

AGENDA SUBJECT:

Approval of the extension of the application expiration for Subdivision Case PICP-23-0075 Travisso Phase 5 Section 10; more particularly described by Travis Central Appraisal District Parcels 948163 and 958216, generally located to the north of the future extension of Osage Drive and the northern terminus of Long Lasso Pass, Leander, Travis County, Texas.

BACKGROUND:

This request is for an extension of the expiration date of the construction plans. Article II, Section 23(g) includes the following provisions.

(g) Application Expiration.

1. The Construction Plans application shall expire nine (9) months after the date that all initial staff review comments from all reviewing departments have been issued on the application if the construction plans are not approved due to the applicant's failure to cause the application to comply with applicable city regulations.
2. The Planning Department may grant one six (6) month extension if the applicant can show substantial progress in obtaining approval of the construction plans. Substantial progress shall consist of, at a minimum, a resubmission of the construction plans and all relevant materials by the applicant that address all initial staff review comments from all reviewing departments.

The applicant is requesting an extension of the application due to delays with the related external approvals (LCRA).

HISTORY/TIMELINE:

01/26/2023 - Preliminary Plat Approved

05/31/2024 - Construction Plans Application Expired

11/30/2024 - Construction Plans Application Staff Extension Expired

APPLICANT/AGENT:

GBA (Clint Loumaster) on behalf of Heartland Taylor Road, LLC. (Scott Senteney)

RECOMMENDATION:

The Subdivision Ordinance includes timelines for application approvals. The timeline/history section of this summary above includes the key dates for this request. The construction plans application expires nine (9) months after the first review comment letter for the construction plans is sent to the applicant.

Staff recommends approval of an additional six (6) month extension. Approving this extension would grant an

extension to May 31, 2025 and will allow the developer to finalize the construction plans and schedule a pre-construction meeting.

PRESENTER:

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

Fiscal Impact

Attachments:

1. PICP-23-0075 Att 1 Request Letter - Travisso Phase 5 Section 10
2. PICP-23-0075 Att 2 Location Map - Travisso Phase 5 Section 10
3. PICP-23-0075 Att 3 Ordinance - Travisso Phase 5 Section 10

December 17th, 2024

Ms. Veronica Tovar
City of Leander, TX
201 N. Brushy St.
Leander, TX 78641

Via email: VTovar@leandertx.gov

RE: PICP-23-0075 Travisso Ph. 5, Sections 10 Construction Plans Application Extension Request

Dear Veronica,

GBA is aware that the above referenced project application was due to expire on 11/30/24.

This extension is being requested due to burdensome LCRA review timelines and LCRA's manpower resources. Please accept this extension letter request. This letter request is being uploaded to the Development HUB. Once we receive the invoice from the City of Leander for the extension GBA will promptly pay the fee.

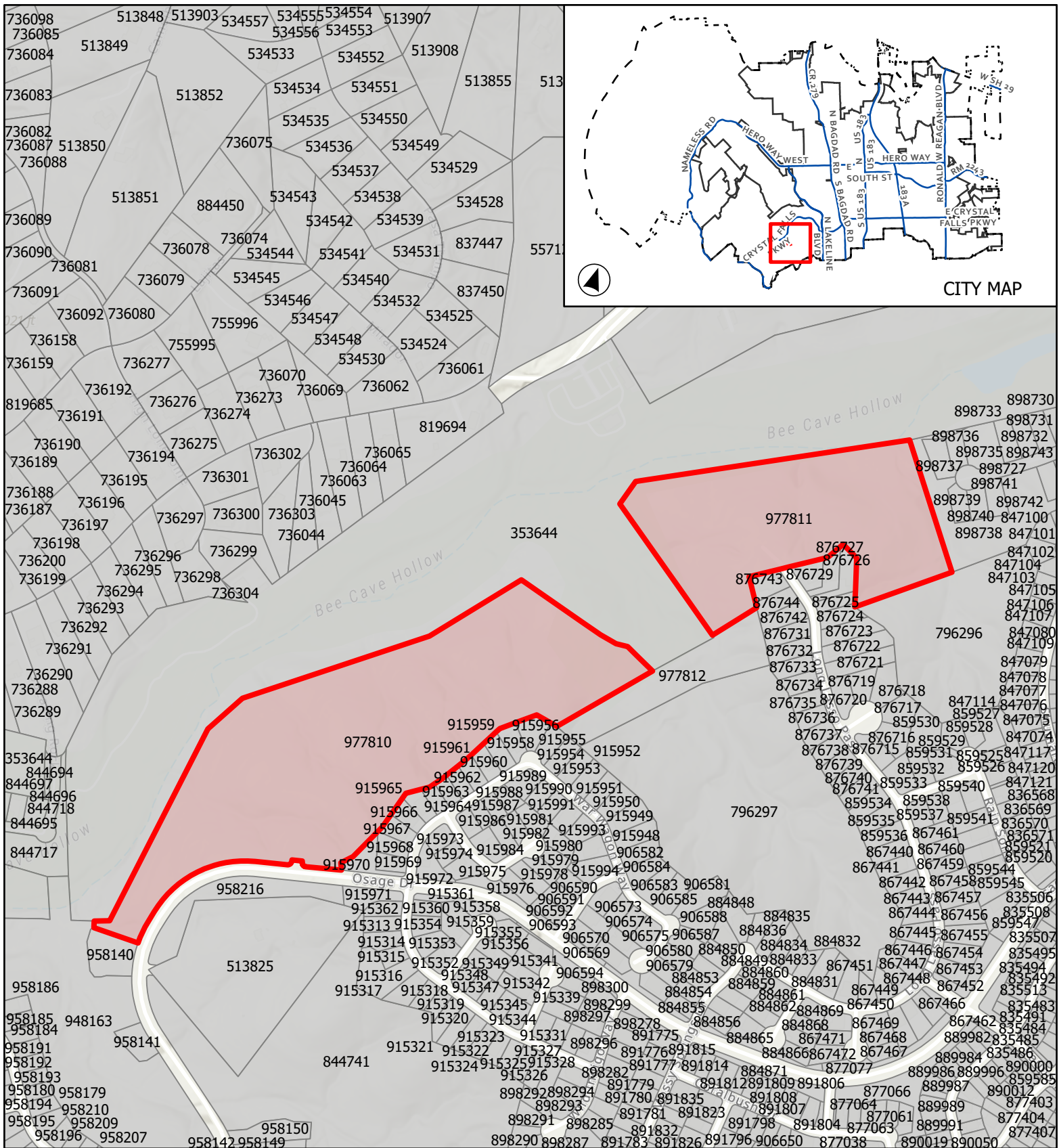
Respectfully submitted.

GEORGE BUTLER ASSOCIATES, INC.



Stephen A. Sherrill, P.E., R.P.L.S.

cc: Norm Spalding, Heartland Taylor Road LLC
Scott Senteney, Heartland Taylor Road LLC



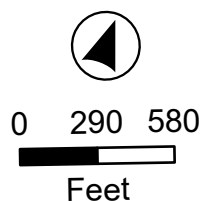
CASE: PICP-23-0075

ATTACHMENT 2

TRAVISSO PH 5, SEC 10
CONSTRUCTION PLANS

Location Map

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



- City Limits
- ETJ Boundary
- Subject Boundary

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF LEANDER, TEXAS GRANTING AN
EXTENSION OF THE EXPIRATION OF THE CONSTRUCTION PLAN
APPLICATION FOR THE TRAVISSO PHASE 5 SECTION 10
SUBDIVISION.**

WHEREAS, Section 23 (g) (1) of the City’s Subdivision Ordinance provides that the construction plan application expires nine (9) months after the date that all initial staff review comments from all reviewing departments have been issued on the application if the construction plan are not approved due to the applicant’s failure to cause the application to comply with applicable city regulations;

WHEREAS, Section 23 (g) (2) of the City’s Subdivision Ordinance provides that the Planning Department may grant one six (6) month extension if the applicant can show substantial progress in obtaining approval of the construction plan;

WHEREAS, the Planning Department granted one six (6) month extension for the construction plan application (the “Construction Plan Application”) which expired on or about November 30, 2024;

WHEREAS, the City Council of the City of Leander, Texas (the “City”) finds that there is good reason to grant an extension of the expiration date for the Construction Plan Application because the applicant is actively working with the Planning Department and will be able to address the construction plan comments and move forward with construction within a reasonable timeframe;

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

SECTION 1. Findings of Fact. The forgoing recitals are incorporated into this Ordinance as true and correct findings of fact.

SECTION 2. Extension Granted. The City hereby grants an extension of the expiration date for the Construction Plan Application to May 31, 2025. In the event that the Construction Plan Application is not approved by the Planning and Zoning Commission on or before to May 31, 2025, the Construction Plan Application shall expire.

SECTION 3. Effective Date. This Ordinance shall take effect immediately from and after its passage in accordance with the City Charter.

SECTION 4. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act,

Chapter 551 of the Texas Government Code.

PASSED AND APPROVED on the 2nd day of January, 2025.

ATTEST:

THE CITY OF LEANDER, TEXAS:

Dara Crabtree, City Secretary

Christine DeLisle, Mayor



EXECUTIVE SUMMARY
1/2/2025

AGENDA SUBJECT:

Approval of the extension of the application expiration for Subdivision Case PICP-23-0084 Waterline Extension at Bagdad Road and CR 281; more particularly described by Williamson Central Appraisal District Parcel R023980, generally located northwest of the intersection of N. Bagdad Road and CR 281, Leander, Williamson County, Texas.

BACKGROUND:

This request is for an extension of the expiration date of the construction plans. Article II, Section 23(g) includes the following provisions.

(g) Application Expiration.

- (1) The Construction Plans application shall expire nine (9) months after the date that all initial staff review comments from all reviewing departments have been issued on the application if the construction plans are not approved due to the applicant's failure to cause the application to comply with applicable city regulations.
- (2) The Planning Department may grant one (1) six (6) month extension if the applicant can show substantial progress in obtaining approval of the construction plans. Substantial progress shall consist of, at a minimum, a resubmission of the construction plans and all relevant materials by the applicant that address all initial staff review comments from all reviewing departments.

The applicant is requesting an extension of the application in order to finalize the application following the finalization of external approvals with Liberty Hill.

HISTORY/TIMELINE:

04/26/2024 - Construction Plans Application Expired

10/26/2024 - Construction Plans Application Staff Extension Expired

APPLICANT/AGENT:

Tom Groll Engineering, PC. (Thomas J. Groll) on behalf of Bagdad Real Estate, LLC. (Samir S. Maredia)

RECOMMENDATION:

The Subdivision Ordinance includes timelines for application approvals. The timeline/history section of this summary above includes the key dates for this request. The construction plans application expires nine (9) months after the first review comment letter for the construction plans is sent to the applicant.

Staff recommends approval of an additional six (6) month extension. Approving this extension would grant an extension to April 26, 2025 and will allow the developer to finalize the construction plans and schedule a pre-construction meeting.

PRESENTER:

Fiscal Impact

Attachments:

1. PICP-23-0084 Att 1 Extension Request Letter - Bagdad Rd at 281
2. PICP-23-0084 Att 2 Location Map - Bagdad Rd at 281
3. PICP-23-0084 Att 3 Ordinance - Bagdad Rd at 281



Tom Groll Engineering, PC

December 16, 2024

City of Leander Planning Department
105 N. Brushy Creek St.
Leander, TX 78641

Re: Waterline Extension to 2950 Bagdad Road (PICP-23-0084).

Planning Department:

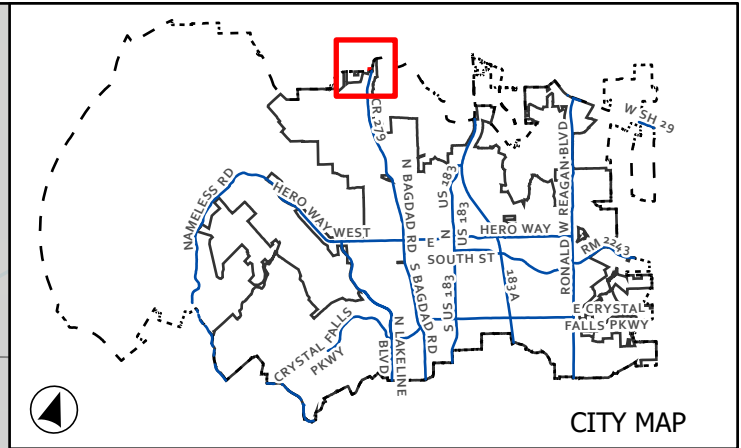
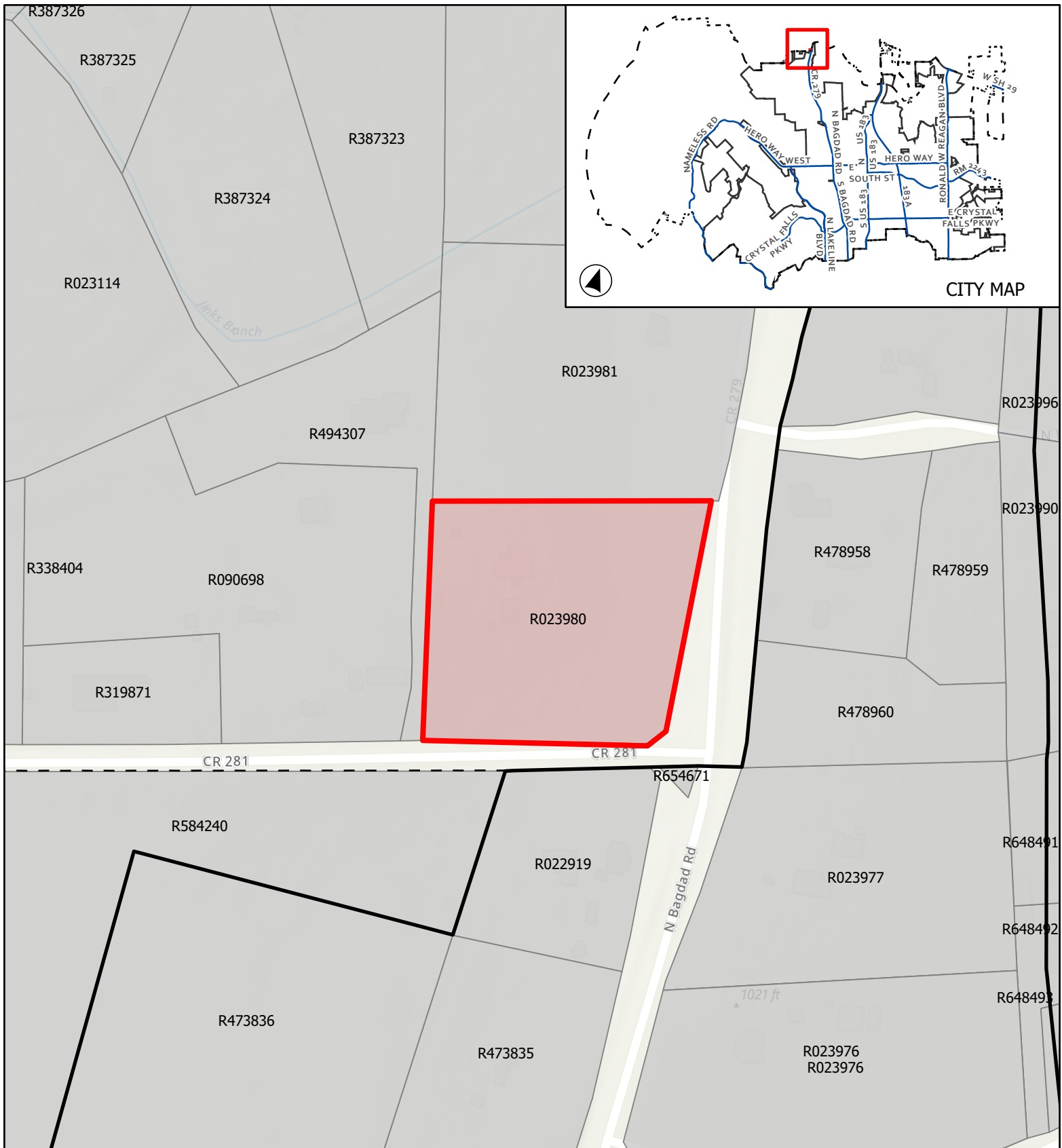
This letter is provided to request an extension of PICP-23-0084 to 4/26/2025. All comments were cleared on 5/22/24 and the signed/approved plans were uploaded to the Development HUB on 9/26/24. The application expired on 4/26/24, but the developer is now ready to proceed with the project.

2950 Bagdad Road is within the Leander CCN for water service. The property was within the City of Liberty Hill ETJ. A site development permit has been approved by the City of Liberty Hill for development of the site, however, PICP-23-0084 was necessary to provide water service to the site. A condition for approval of PICP-23-0084 was that the site would be de-annexed from Liberty Hill and annexed into Leander. The developer was unable to start the project because the site development plan approval through the City of Liberty Hill was delayed due to the de-annexation process. As a result, PICP-23-0084 expired. The site has been de-annexed from Liberty Hill, and all necessary development permits have been issued, therefore, the developer is now ready to begin construction. This extension request letter is required prior to being able to request a pre-construction meeting.

Please let me know if you have any questions regarding this request.

Thank you,

Thomas J. Groll, P.E.
President
Tom Groll Engineering, PC



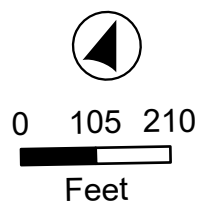
CASE: PICP-23-0084

ATTACHMENT 2

**BAGDAD RD AT CR 281
WATERLINE EXTENSION**

Location Map

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



- City Limits
- ETJ Boundary
- Subject Boundary

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF LEANDER, TEXAS GRANTING AN
EXTENSION OF THE EXPIRATION OF THE CONSTRUCTION PLAN
APPLICATION FOR THE WATERLINE EXTENSION AT BAGDAD
ROAD AND CR 281.**

WHEREAS, Section 23 (g) (1) of the City’s Subdivision Ordinance provides that the construction plan application expires nine (9) months after the date that all initial staff review comments from all reviewing departments have been issued on the application if the construction plan are not approved due to the applicant’s failure to cause the application to comply with applicable city regulations;

WHEREAS, Section 23 (g) (2) of the City’s Subdivision Ordinance provides that the Planning Department may grant one six (6) month extension if the applicant can show substantial progress in obtaining approval of the construction plan;

WHEREAS, the Planning Department granted one six (6) month extension for the construction plan application (the “Construction Plan Application”) which expired on or about October 26, 2024;

WHEREAS, the City Council of the City of Leander, Texas (the “City”) finds that there is good reason to grant an extension of the expiration date for the Construction Plan Application because the applicant is actively working with the Planning Department and will be able to address the construction plan comments and move forward with construction within a reasonable timeframe;

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

SECTION 1. Findings of Fact. The forgoing recitals are incorporated into this Ordinance as true and correct findings of fact.

SECTION 2. Extension Granted. The City hereby grants an extension of the expiration date for the Construction Plan Application to April 26, 2025. In the event that the Construction Plan Application is not approved by the Planning and Zoning Commission on or before to April 26, 2025, the Construction Plan Application shall expire.

SECTION 3. Effective Date. This Ordinance shall take effect immediately from and after its passage in accordance with the City Charter.

SECTION 4. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act,

Chapter 551 of the Texas Government Code.

PASSED AND APPROVED on First Reading this the 2nd day of January, 2025.

ATTEST:

THE CITY OF LEANDER, TEXAS:

Dara Crabtree, City Secretary

Christine DeLisle, Mayor



EXECUTIVE SUMMARY
1/2/2025

AGENDA SUBJECT:

Approval of an amendment to a Special Event Permit previously approved by the City Council on December 5, 2024, to amend the street closures for the Martin Luther King Day March and Celebration being held on Monday, January 20, 2025 beginning at 10:00 a.m. in Old Town Park.

BACKGROUND:

In partnership with the Leander Public Arts & Culture Commission, the City of Leander will co-host the MLK Day March and Celebration on Monday, January 20, 2025, from 10:00 a.m. to 2:00 p.m. The event will feature a march, food and beverage vendors, craft vendors, information booths, and performers.

A special event permit for street closures was previously approved by the City Council on December 5, 2024, for street closures for the March and festival. The street closures have been amended to align with the new parade route.

The following streets below are the proposed new closures on the day of the event.

Parade Road Closures - 9:30 a.m. to 11:30 a.m.

- Municipal Way - From Camacho Elementary School east to S. West Drive
- S. West Drive - From Municipal Way north to W. Broade Street
- W. Broade Street - From Hero Way east to Highway 183
- Bagdad Street - From W. Willis Street north to W. Broade Street

Event Road Closures - 7:00 a.m. to 4:00 p.m.

- N. Brushy Street - From W. Broade Street south to W. South Street.
- W. South Street - From N. Brushy Street west to N. West Street
- Bagdad Street - From W. Willis Street south to E. South Street

Additional Considerations:

- The Parks and Recreation Department will provide assistance and planning as needed, primarily hosting the MLK Day March, providing all sound equipment for festival music, and enlisting a Master of Ceremonies.
- Ensure the grounds are as presentable as possible (i.e. mowed, trimmed; treated for fire ants, etc.) immediately before the festival.
- Along with other City Departments, they set up and remove blockades for March/festival as needed,
- Place waste cans and dispose of trash.

HISTORY/TIMELINE:

APPLICANT/AGENT:

RECOMMENDATION:

Staff respectfully requests approval of the amendment to the street closures

PRESENTER:

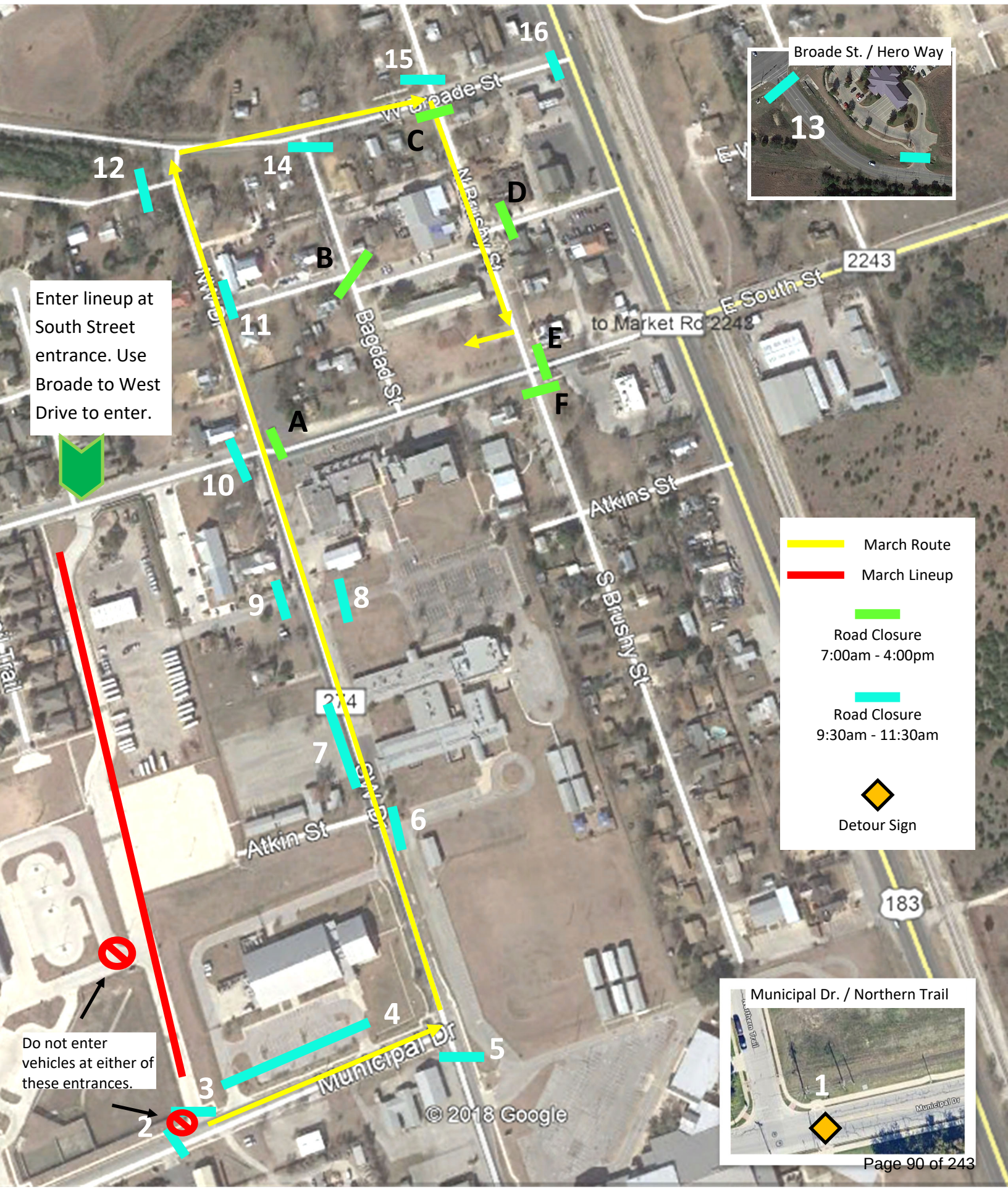
Greg Olmer, Interim Parks & Recreation Director

Fiscal Impact

Attachments:

1. 2025 MLK Day March and Celebration_March Route
2. 2025 MLK Day March and Celebration_Parking Map
3. 2025 MLK Day March and Celebration_Vendor Map

2025 MLK Day March Route



MLK Day March and Celebration Parking Map



All LISD lots will be available for parking.

— = No street parking



Vendor Check-in at W Willis St and Bagdad St			
A-F	Food Vendors	1-35	Vendors



Portable Toilets



Trashcans



Information/Parks Tent



Risers



EXECUTIVE SUMMARY 1/2/2025

AGENDA SUBJECT:

Conduct a Public Hearing 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 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.

BACKGROUND:

This request is the second 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
12/12/2024 – Planning & Zoning, 1st Public Hearing

APPLICANT/AGENT:

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

RECOMMENDATION:

Staff recommends approval. During the meeting of December 12, 2024, the Planning & Zoning Commission recommended approval.

PRESENTER:

Attachments:

1. Z-24-0144 Att 1 Planning Analysis - PAG Leander H1 PUD
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 PUD Notes Redline - PAG Leander H1 PUD
8. Z-24-0144 Att 8 Letter of Intent - PAG Leander H1 PUD
9. Z-24-0144 Att 9 Neighborhood Outreach - PAG Leander H1 PUD
10. Z-24-0144 Att 10 Ordinance - PAG Leander H1 PUD
11. Z-24-0144 Att 11 12-12-2024 P & Z Minutes



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.

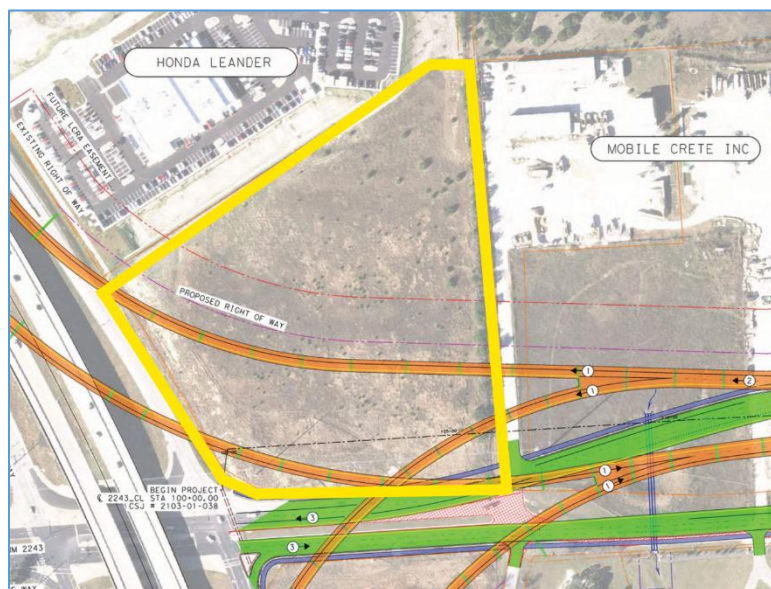
MAJOR CORRIDORS:

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.

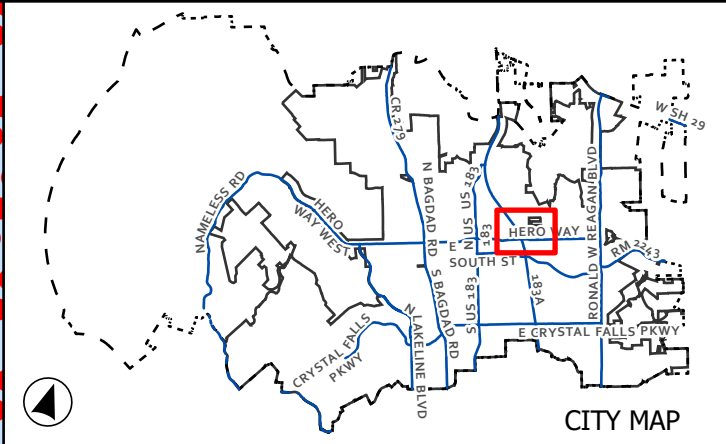
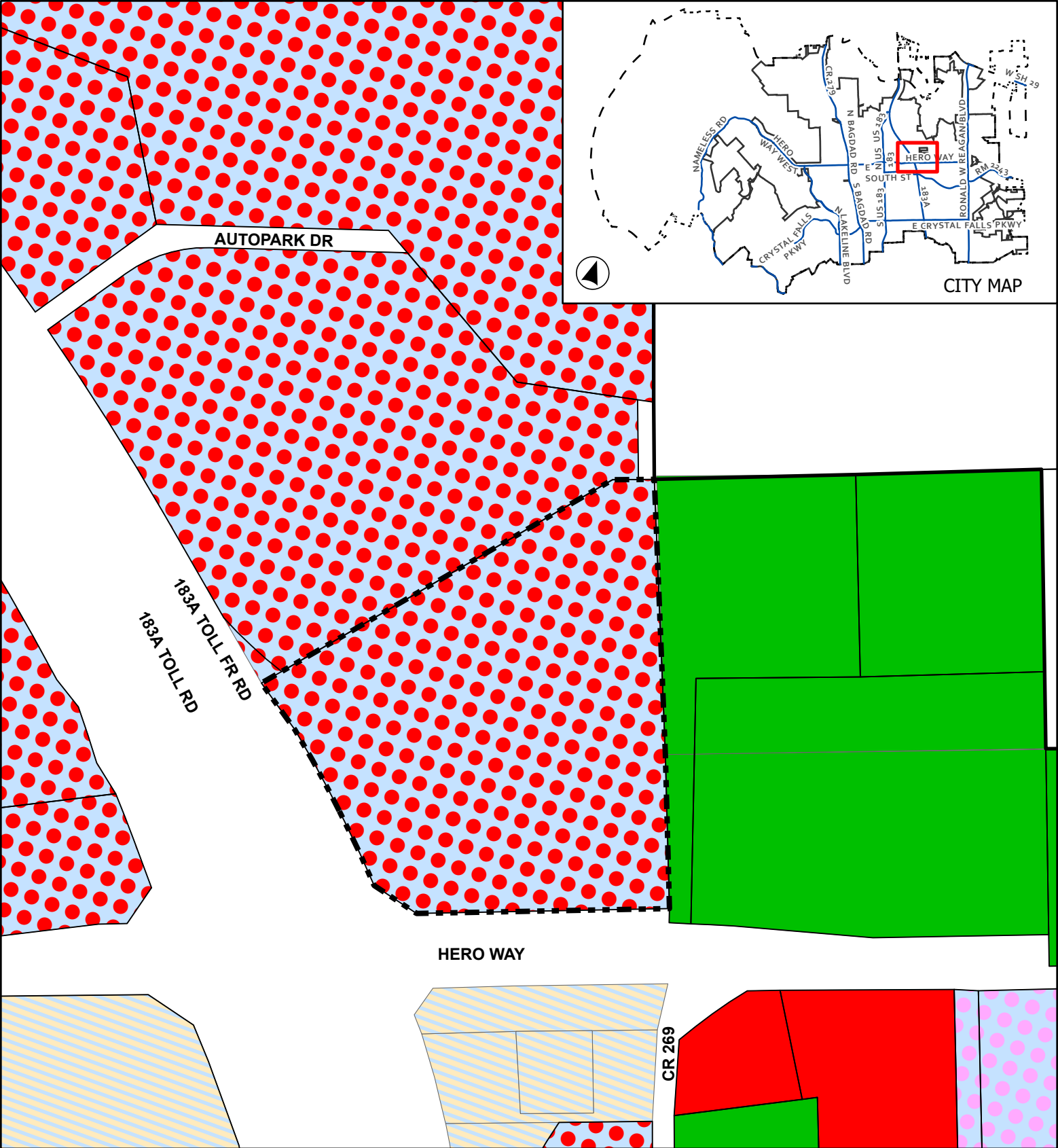
- Construction documents have been updated per an agreed design with SRM Concrete.

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

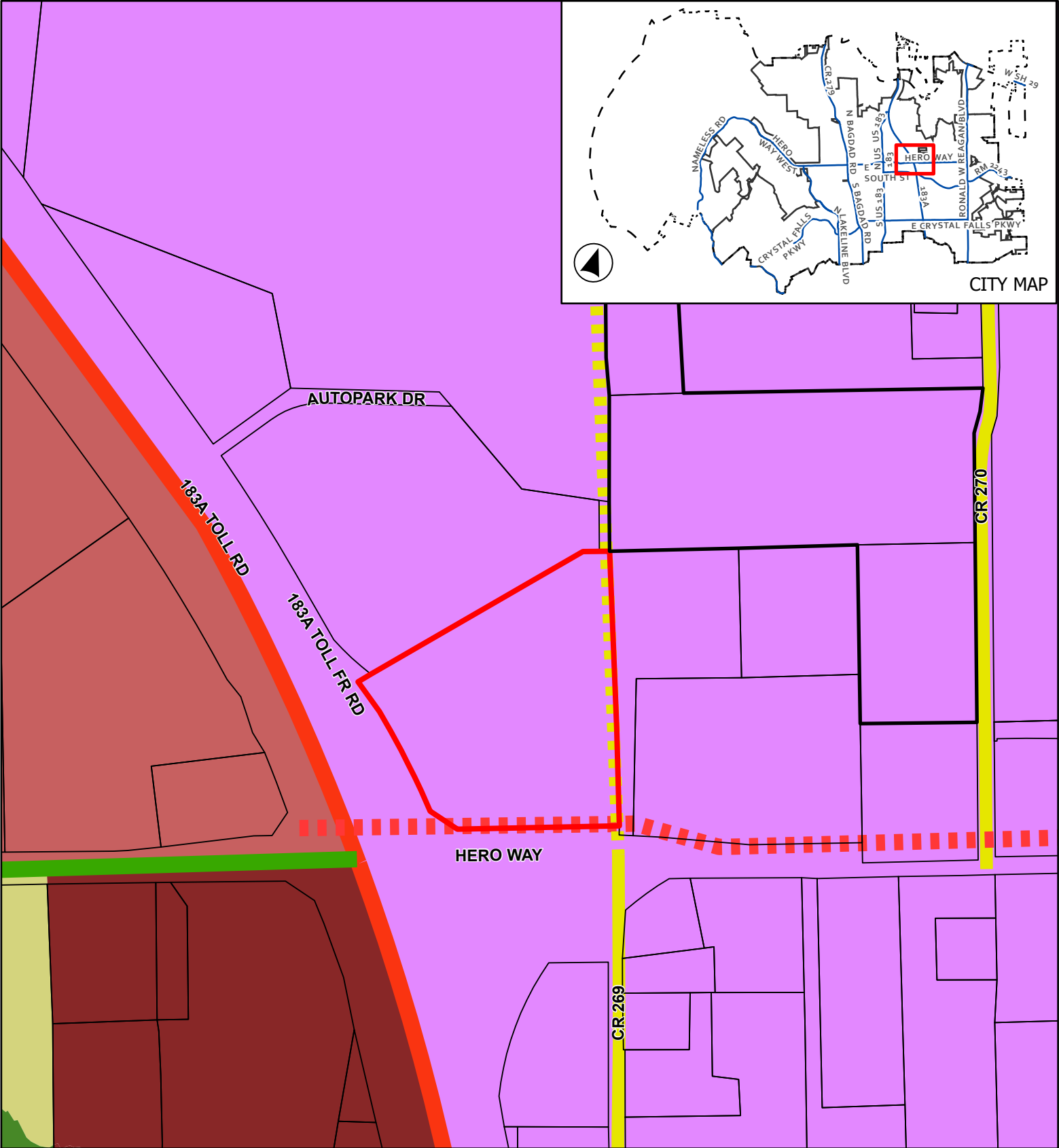
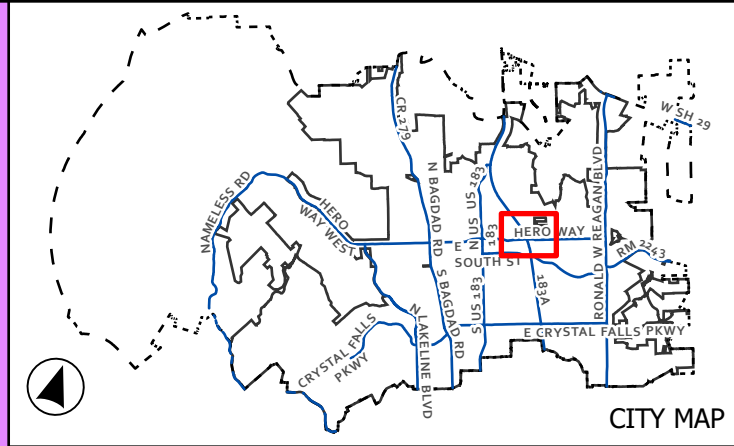
Current Zoning

- | | |
|--------------------------------|--------------------------|
| 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



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

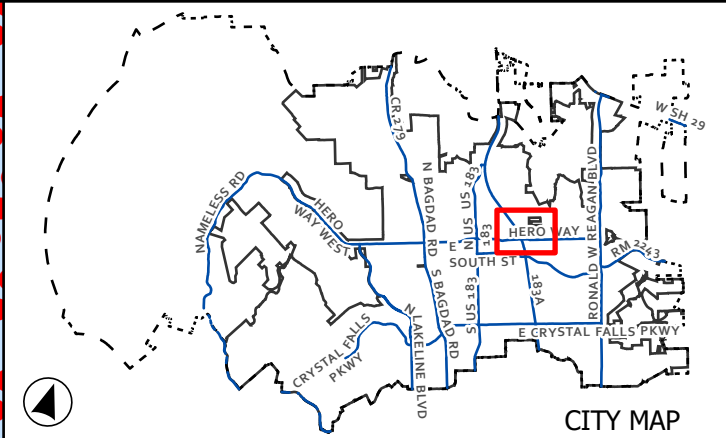
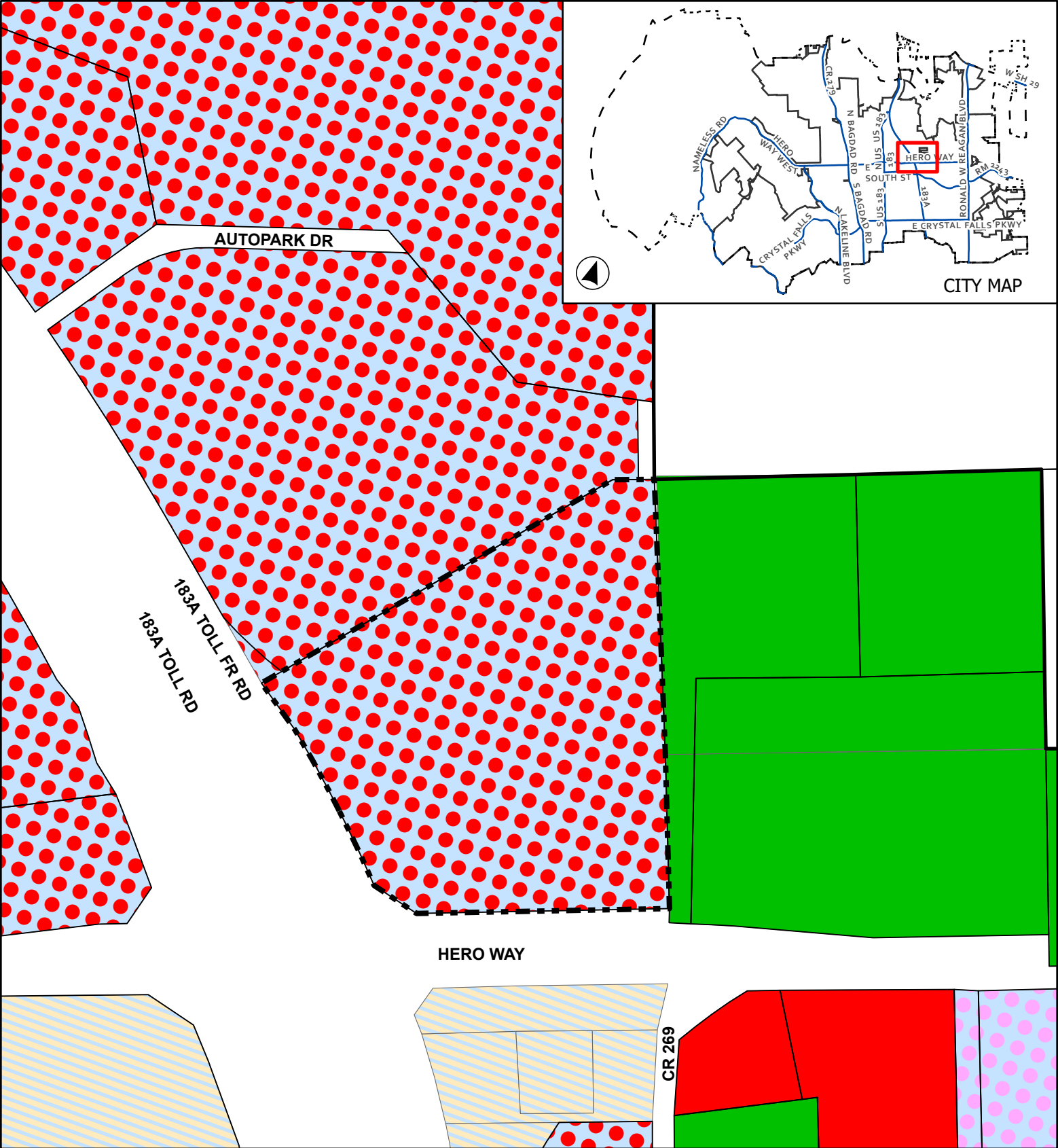
- Urban Mixed Use
- Leander Central
- Greenway

Thoroughfare Plan

- Access Controlled, Existing
- Arterial 6 Lane, Existing

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

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



CASE: Z-24-0144

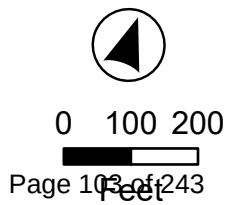
ATTACHMENT 5

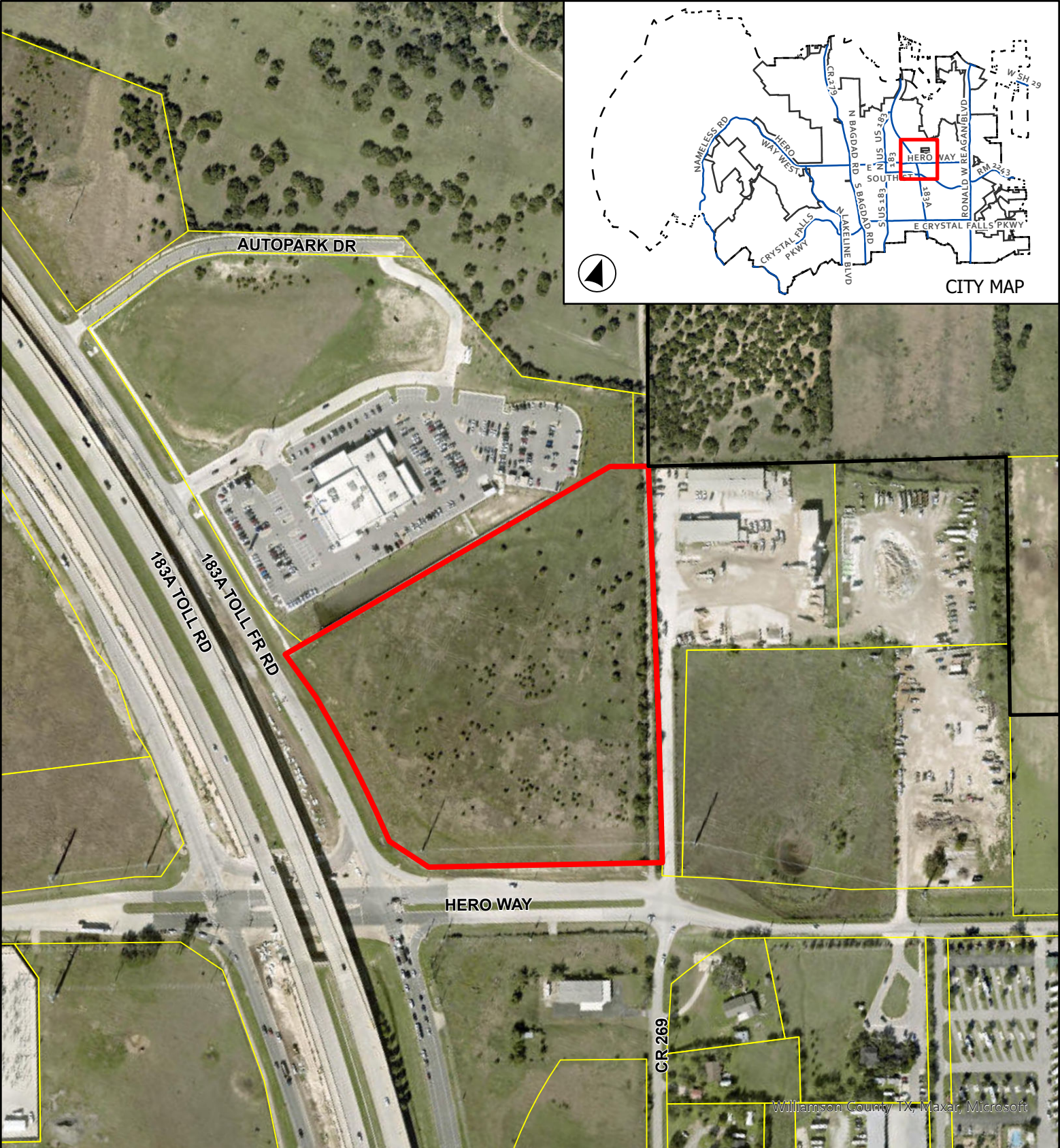
PAG LEANDER H1
MAJOR AMENDMENT
EXISTING PUD

Proposed Zoning

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

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





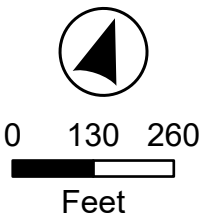
CASE: Z-24-0144

ATTACHMENT 6

PAG LEANDER H1
MAJOR AMENDMENT
EXISTING PUD

Aerial Map

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



- 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.”**

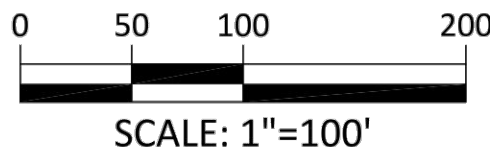
- D. The provisions of Section 42(h) of the Leander Subdivision Ordinance with respect to reciprocal access for drive lanes, fire lanes, driveways, and parking lots shall not apply between Lot 1, Block B and Lot 2, Block B of the PUD; provided, the owners of Lot 1, Block B and Lot 2, Block B may provide 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.



PAG LEANDER H1 PHASE 2 LOT 2 BLOCK B

13.342 ACRES OUT OF THE TALBOT CHAMBERS SURVEY ABSTRACT NO. 125, WILLIAMSON COUNTY, TEXAS

LINE TABLE		
LINE	BEARING	LENGTH
L1	N68°59'53"E	91.05'
L2	N76°41'57"W	112.38'
L3	N50°25'54"W	113.53'
L4	S00°48'00"W	32.28'

CURVE TABLE				
CURVE	RADIUS	DELTA	CHORD BEARING	CHORD
C1	2884.79'	7°40'36"	N46°41'00"W	386.22'

LOT 1
BLOCK B
PAG LEANDER H1, PHASE 1 FINAL PLAT
DOC. NO. 2020085884

BACKLASH, LLC
15.00 ACRES
DOC. NO. 2009032650

C.R. 269
(35' R.O.W.)

FLORIDA ROCK
INDUSTRIES, INC.
9.205 ACRES
DOC. NO. 2023036116

0.821 ACRE
(35,768 SQ. FT.)
HEREBY DEDICATED FOR
COUNTY ROAD 269
(R.O.W. VARIES)

FM 269 INVESTORS LLC
5.252 ACRES
DOC. NO. 2008015123

LOT 2, BLOCK B
12.521 ACRES
(545,394 SQ. FT.)

WILLIAMSON COUNTY, TEXAS
0.087 ACRE
DOC. NO. 2023037731

P.O.B.
N: 10186696.06
E: 3081008.93

15' WASTEWATER ESMT.
DOC. NO. 2018036858

15' GAS ESMT.
DOC. NO. 2020130549

10' WATER ESMT.
DOC. NO. 2020021317

183-A TOLL RD.
(R.O.W. VARIES)

10' PUBLIC UTILITY,
LANDSCAPE AND
ACCESS ESMT.

JOINT USE
AGREEMENT AREA
DOC. NO.

80' ELECTRIC LINE ESMT.
DOC. NO. 2018087955

20' PUBLIC WASTEWATER ESMT.

10' PUBLIC UTILITY, LANDSCAPE
AND ACCESS ESMT.

HERO WAY
(R.O.W. VARIES)

10' ELECTRIC ESMT.
HEREBY DEDICATED

JOINT USE
AGREEMENT AREA
DOC. NO.

DETENTION AREA AGREEMENT
DOC. NO.

PROPOSED
10' SIDEWALK

PROPOSED
6' SIDEWALK

JOINT USE
AGREEMENT AREA
DOC. NO.

OWNER: ROGER BEASLEY MAZDA, INC.
6825 BURNET ROAD
AUSTIN, TX 78757
(512)459-4111
ACREAGE: 13.342
PATENT SURVEY: TALBOT CHAMBERS SURVEY, ABSTRACT NO. 125
NUMBER OF BLOCKS: 1
LINEAR FEET OF NEW STREETS: 948.26'
ACREAGE BY LOT TYPE: COMMERCIAL DEVELOPMENT: 12.521
NEW R.O.W.: 0.821
NUMBER OF LOTS BY TYPE: COMMERCIAL DEVELOPMENT - 1

SURVEYOR: ABRAM DASHNER, RPLS 5901
MANHARD CONSULTING, LTD
6448 E. HWY 290 STE. B-105
AUSTIN, TX 78723
(512)244-3395

LEGEND

- = FOUND 1/2-INCH IRON ROD
- △ = CALCULATED POINT
- = SET 1/2-INCH IRON ROD WITH "MANHARD CONSULTING" CAP
- P.O.B. = POINT OF BEGINNING
- = SIDEWALK

DESCRIPTION

13.342 ACRES, MORE OR LESS, OUT OF THE TALBOT CHAMBERS SURVEY, ABSTRACT NO. 125 IN WILLIAMSON COUNTY, TEXAS, BEING THAT CERTAIN 13.342 ACRE TRACT OF LAND CONVEYED TO BEASLEY MAZDA, INC., BY DEED OF RECORD IN DOCUMENT NO. 2022042091, OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 13.342 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, AT A 1/2-INCH IRON ROD FOUND IN THE NORTHEAST RIGHT-OF-WAY LINE OF 183-A TOLL RD. (400' R.O.W.), BEING THE MOST SOUTHERLY CORNER OF LOT 1, BLOCK B, PAG LEANDER H1, PHASE 1 FINAL PLAT, A SUBDIVISION OF RECORD IN DOCUMENT NO. 2020085884, OF SAID OFFICIAL PUBLIC RECORDS, BEING THE NORTHWEST LINE OF SAID 13.342 ACRE TRACT, A DISTANCE OF 889.97 FEET TO A 1/2-INCH IRON ROD FOUND, FOR AN ANGLE POINT;

THENCE, N39°25'06"E, IN PART ALONG SAID NORTHEAST RIGHT-OF-WAY LINE, AND IN PART ALONG THE SOUTHEAST LINE OF LOT 1, BLOCK B, PAG LEANDER H1, PHASE 1 FINAL PLAT, A SUBDIVISION OF RECORD IN DOCUMENT NO. 2020085884, OF SAID OFFICIAL PUBLIC RECORDS, BEING THE NORTHWEST LINE OF SAID 13.342 ACRE TRACT, A DISTANCE OF 889.97 FEET TO A 1/2-INCH IRON ROD FOUND, FOR AN ANGLE POINT;

THENCE, N68°59'53"E, CONTINUING ALONG THE SOUTHEAST LINE OF SAID LOT 1, BEING THE NORTHWEST LINE OF SAID 13.342 ACRE TRACT, PASSING AT A DISTANCE OF 56.05 FEET THE SOUTH TERMINUS OF THE WEST RIGHT-OF-WAY LINE OF C.R. 269 (35' R.O.W.), CONTINUING WITH THE SOUTH TERMINUS OF SAID C.R. 269, IN ALL A DISTANCE OF 91.05 FEET TO A 1/2-INCH IRON ROD FOUND AT THE SOUTH TERMINUS OF THE EAST RIGHT-OF-WAY LINE OF SAID C.R. 259, BEING THE SOUTHWEST CORNER OF THAT CERTAIN 15.00 ACRE TRACT CONVEYED TO BACKLASH, LLC, BY DEED OF RECORD IN DOCUMENT NO. 2009032650, OF SAID OFFICIAL PUBLIC RECORDS, ALSO BEING THE NORTHWEST CORNER OF THAT CERTAIN 9.205 ACRE TRACT CONVEYED TO FLORIDA ROCK INDUSTRIES, INC., BY DEED OF RECORD IN DOCUMENT NO. 2023036116, OF SAID OFFICIAL PUBLIC RECORDS, FOR THE NORTHEASTERLY CORNER OF SAID 13.342 ACRE TRACT AND HEREOF;

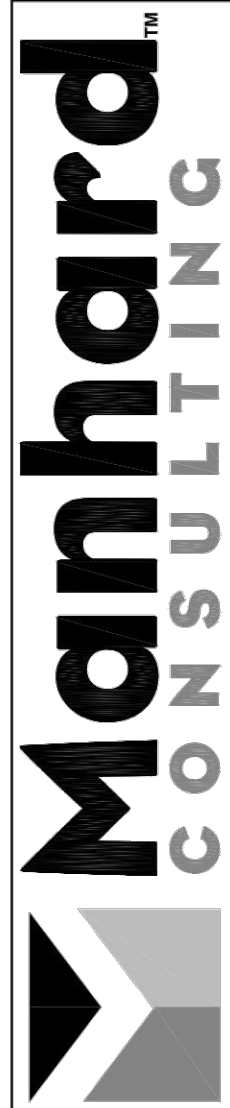
THENCE, S21°01'16"E, ALONG THE WEST LINE OF SAID 9.205 ACRE TRACT, BEING THE EAST LINE OF SAID 13.342 ACRE TRACT, A DISTANCE OF 948.26 FEET TO A 1/2-INCH IRON ROD FOUND IN THE NORTH RIGHT-OF-WAY LINE OF HERO WAY (R.O.W. VARIES), FOR THE SOUTHEASTERLY CORNER OF SAID 13.342 ACRE TRACT AND HEREOF;

THENCE, S68°51'27"W, ALONG SAID NORTH RIGHT-OF-WAY LINE, BEING THE SOUTH LINE OF SAID 13.342 ACRE TRACT, A DISTANCE OF 549.36 FEET TO A 1/2-INCH IRON ROD FOUND AT THE EAST TERMINUS OF A RIGHT-OF-WAY RETURN LINE BETWEEN SAID NORTH RIGHT-OF-WAY LINE AND SAID NORTHEAST RIGHT-OF-WAY LINE OF 183-A TOLL RD., FOR THE MOST SOUTHERLY CORNER OF SAID 13.342 ACRE TRACT AND HEREOF;

THENCE, N76°41'57"W, ALONG SAID RIGHT-OF-WAY RETURN LINE, BEING THE SOUTH LINE OF SAID 13.342 ACRE TRACT, A DISTANCE OF 112.38 FEET TO A 1/2-INCH IRON ROD FOUND AT THE WEST TERMINUS OF SAID RIGHT-OF-WAY RETURN LINE, FOR THE SOUTHWESTERLY CORNER OF SAID 13.342 ACRE TRACT AND HEREOF;

THENCE, ALONG SAID NORTHEAST RIGHT-OF-WAY LINE, BEING THE SOUTHWEST LINE OF SAID 13.342 ACRE TRACT, THE FOLLOWING TWO (2) COURSES AND DISTANCES:

- ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 2884.79 FEET, A CENTRAL ANGLE OF 7°40'36", AN ARC LENGTH OF 386.51 FEET, AND A CHORD WHICH BEARS N46°41'00"W, A DISTANCE OF 386.22 FEET TO A 1/2-INCH IRON ROD FOUND AT THE END OF SAID CURVE;
- N50°25'54"W, A DISTANCE OF 113.53 FEET TO THE POINT OF BEGINNING, AND CONTAINING 13.342 ACRES (581,162 SQUARE FEET) OF LAND, MORE OR LESS.



PAG LEANDER H1 PHASE 2 LOT 2 BLOCK B

183-A TOLL ROAD & HERO WAY, LEANDER, WILLIAMSON COUNTY, TX 78641

REVISED:	03/29/24
PROJ. MGR.:	AD
DRAWN BY:	TRS
SURVEY DATE:	03/30/22
ISSUE DATE:	09/21/23
SCALE:	1"=100'

SHEET

2 OF 3

EXHIBIT B

Bowman

© 2021 Bowman Consulting Group, Ltd. P-4309
TRPE Firm Registration No. F-4309
1120 S. Capital of Texas Hwy
Bldg 3, Suite 220
Austin, Texas 78746
Phone: (512) 327-1190
Fax: (512) 327-4962
www.bowmanconsulting.com

REVISIONS	DATE	DESCRIPTION
REVISION		

ROGER BEASLEY MAZDA LEANDER
9480 183A TOLL ROAD
LEANDER, TEXAS 78641

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW, MARK-UP, AND/OR DRAFTING UNDER THE AUTHORITY OF JOSEPH P. COHAN, P.E. #115224 ON MAY 31 2024. IT IS NOT TO BE USED FOR CONSTRUCTION, BIDDING, OR PERMIT PURPOSES.

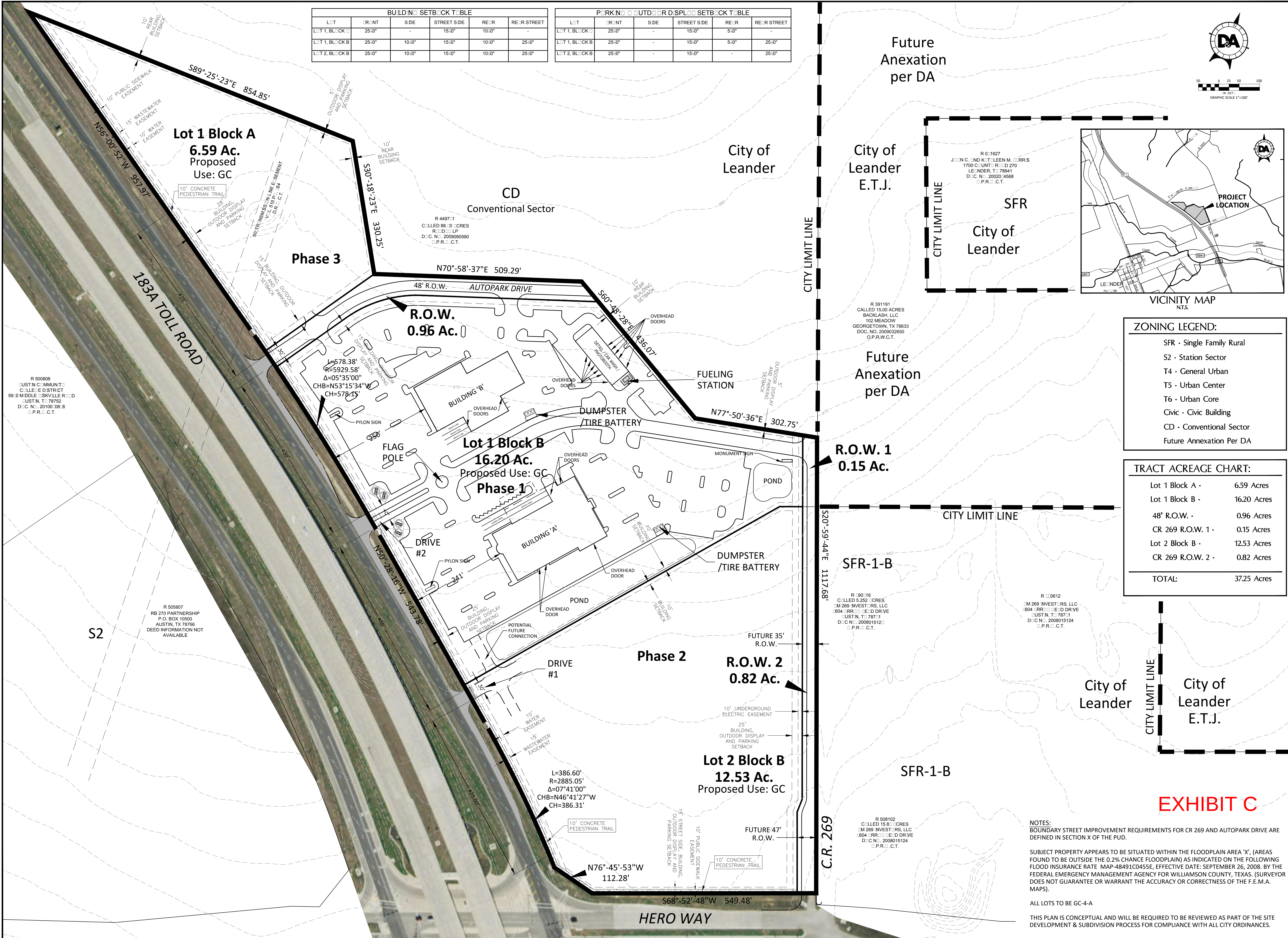
DESIGN	DRAWN	CHKD
JPS	JP	JPC
JOB No. 070694-01-001		

SHEET
4 OF 42



THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. CONTRACTOR AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTORS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

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

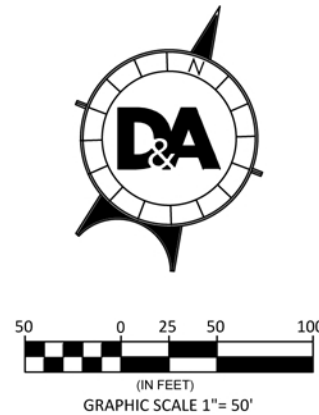
PAG LEANDER H1
18-TOD-Z-019
18-TOD-PP-015
183A TOLL ROAD NORTH & HERO WAY
WILLIAMSON COUNTY, LEANDER, TEXAS 78641

EXHIBIT C

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



Landscape area required for Lot 1 Block B - 15%
Landscape area provided for Lot 1 Block B - 22%



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

CONCEPT PLAN & LAND USE PLAN
AND CONCEPTUAL SITE LAYOUT

EXHIBIT D
PAG LEANDER HI
18-TOD-CP-011

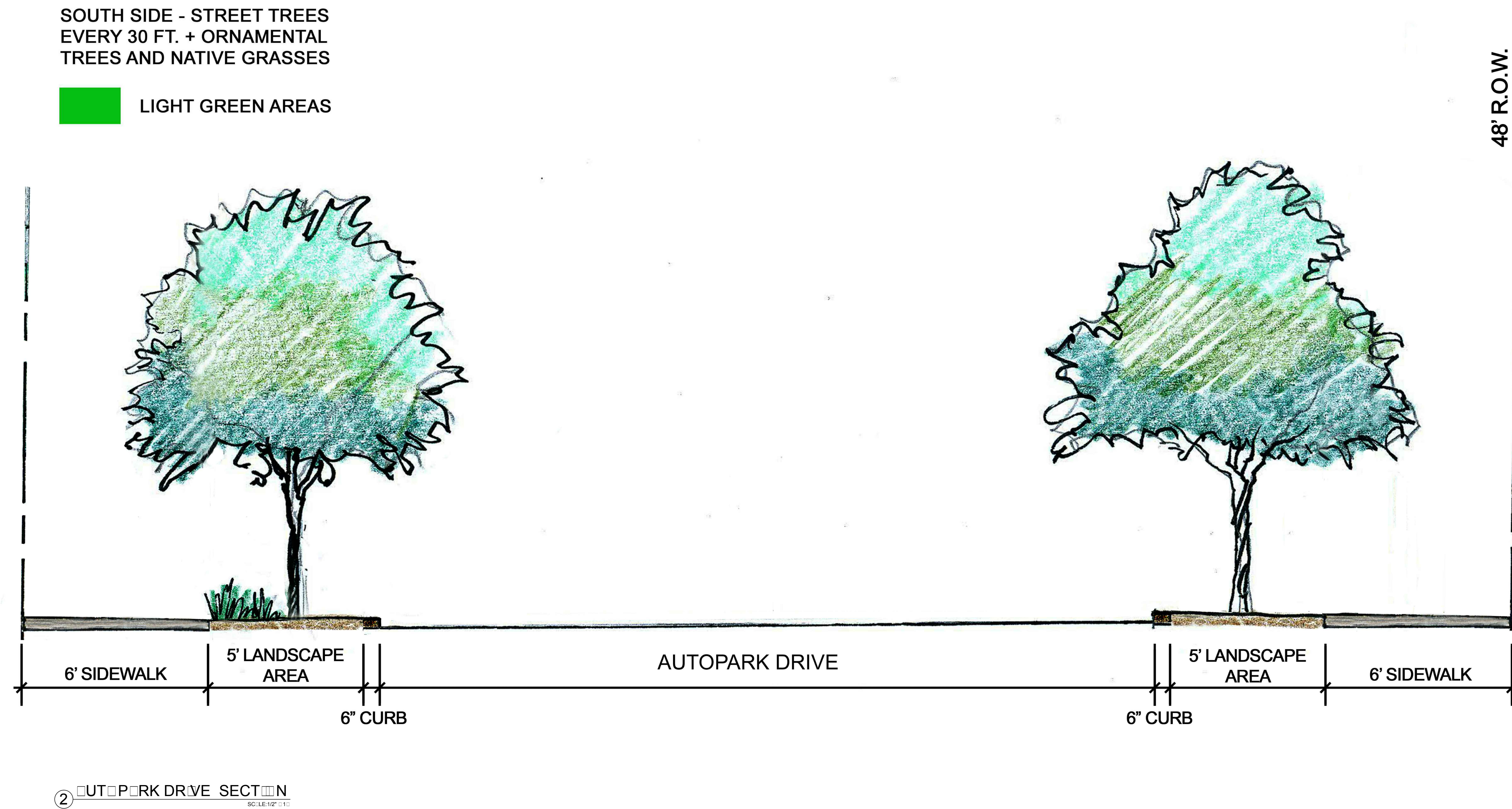
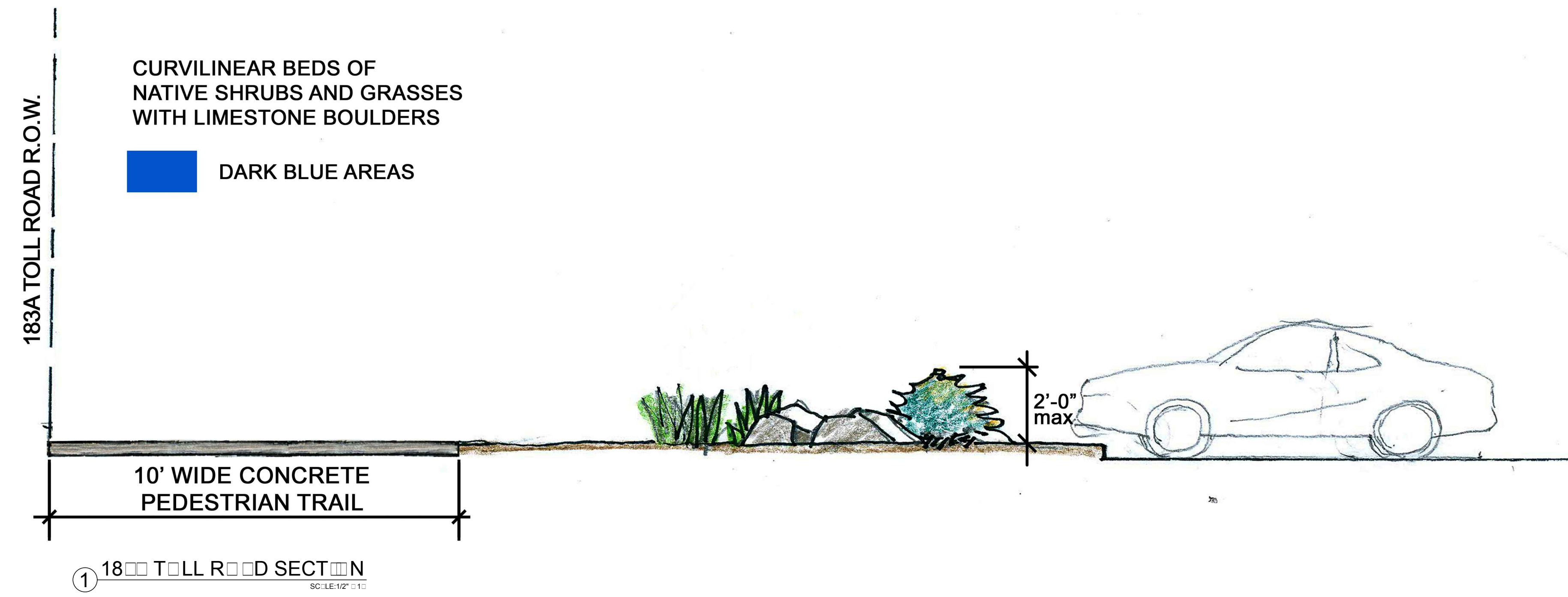
THIS PLAN IS
CONCEPTUAL AND WILL
BE REQUIRED TO BE
REVIEWED AS PART OF
THE SITE DEVELOPMENT
& SUBDIVISION PROCESS
FOR COMPLIANCE WITH
ALL CITY ORDINANCES.

Scale:	AS NOTED
Designed:	JG
Drawn:	JB
Reviewed:	JG
Date:	11-7-2018

EXHIBIT
D
Project No.:
1685-002

- Street Trees every 30 ft. both sides
Ornamental trees and native grasses
on south side
- Primary drive Lot 1 Block B - trees 30 ft.
on center with groundcover and
hardscape materials
- Highway frontage and front building facade
2 ft high max. shrubs, groundcover
- Enhanced landscape at drive entry and key spots
Ornamental trees, native shrubs and grasses
- Islands between highway and buildings
Ornamental trees, native shrubs and groundcovers
- Islands along sides and rear of buildings
Shade or Ornamental trees, native shrubs
and groundcovers
- Perimeter of Pond - Mix of trees, native shrubs,
groundcover and hardscape

site integration studio
Landscape Architecture - Sustainable Site Planning - Natural Resource Design
John F. Murphy, ASLA
7529 Cross Gate Way
Tyler, TX 75703
John@stint.com
scott@stint.com
512.632.3822 - Tyler
512.589.9584 - Austin
www.stint.com



CONCEPT PLAN AND CONCEPTUAL SITE LAYOUT

E□□BT E
P□□LENDER □□
18-T□D-CP-011

THIS PLAN IS
CONCEPTUAL AND WILL
BE REQUIRED TO BE
REVIEWED AS PART OF
THE SITE DEVELOPMENT
& SUBDIVISION PROCESS
FOR COMPLIANCE WITH
ALL CITY ORDINANCES.

Scale: ☐ S ☐ NOTED
Designed: J ☐
Drawn: JB
Reviewed: J ☐
Date: 11-7-2018
E ☐ ☐ B T

Project No.:
1685-002

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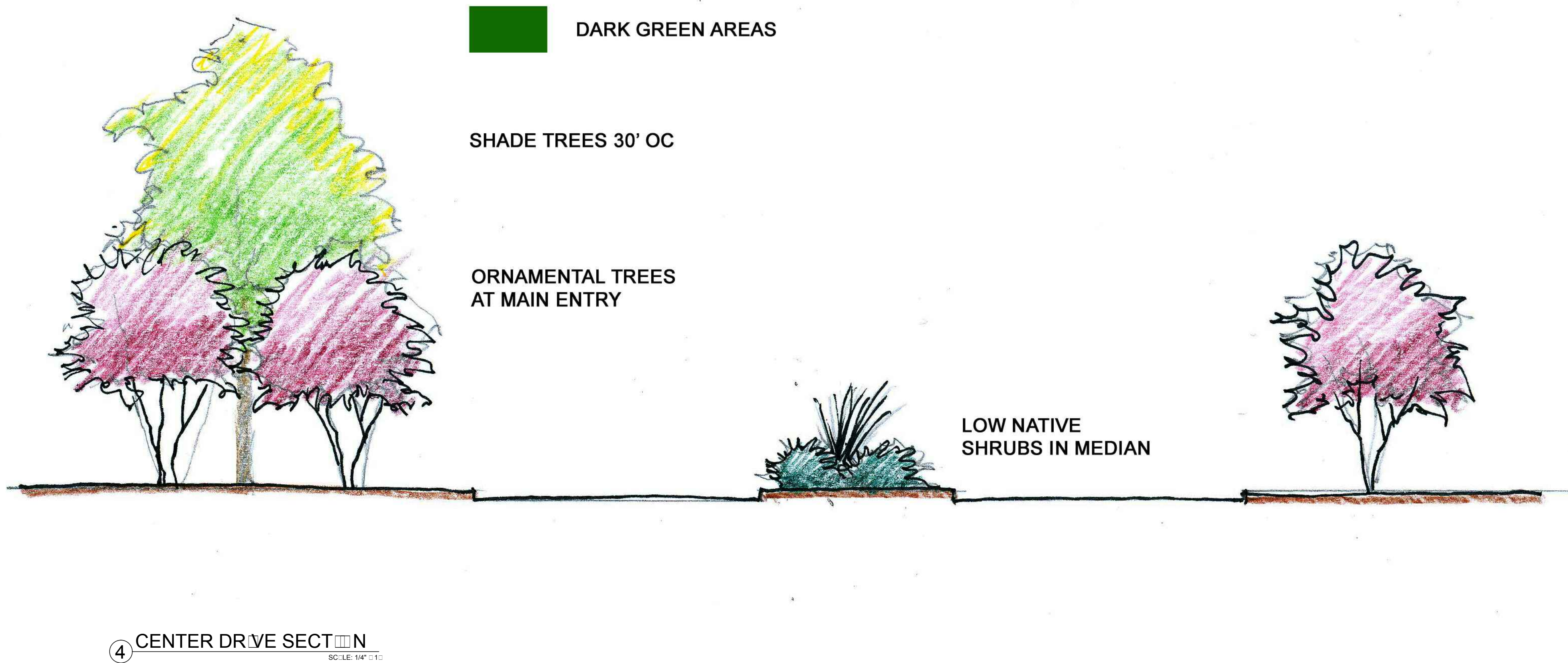
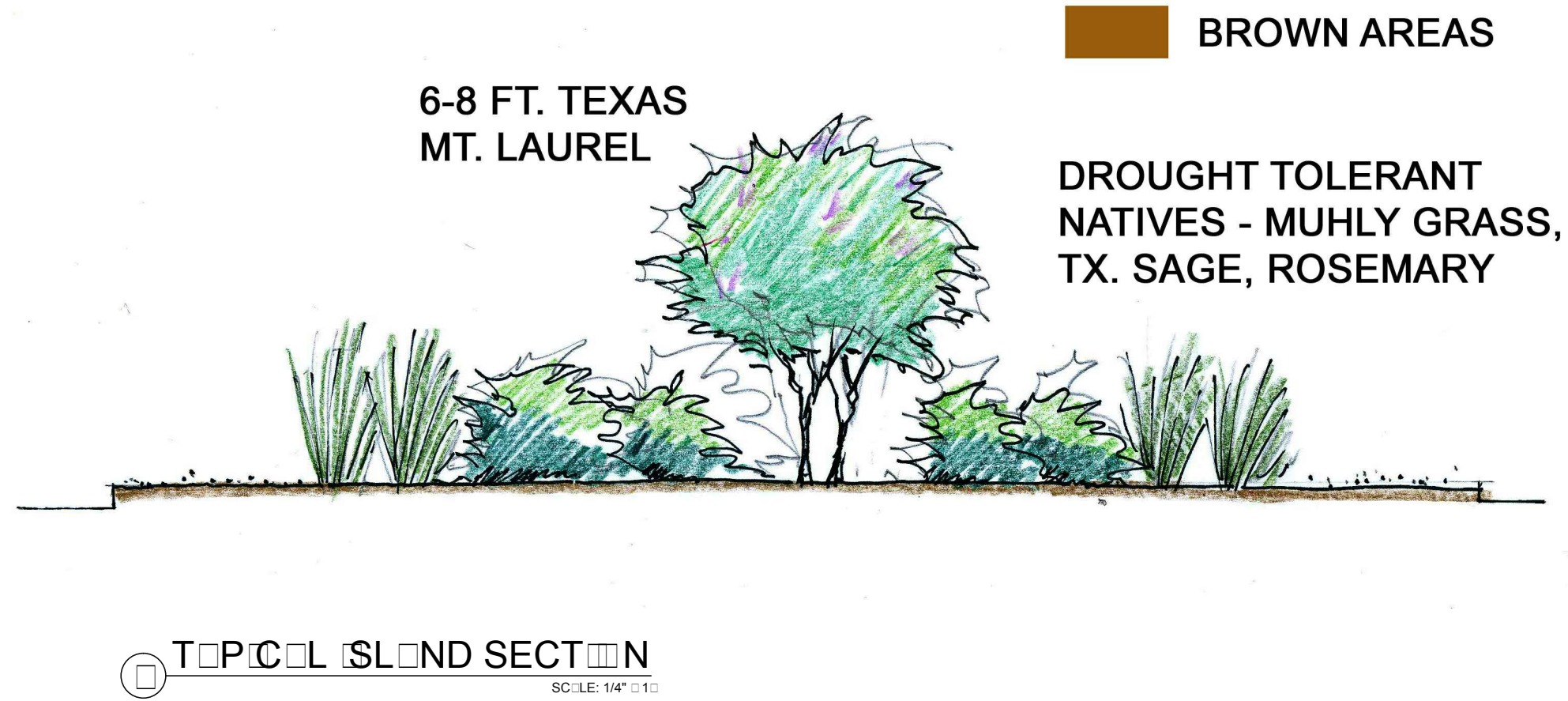


EXHIBIT F



integration studio
Landscape Architecture - Sustainable Site Planning - Natural Resource Design

7529 Cross Gate Way
Tyler, TX 75705
john@siteint.com
scott@siteint.com

512.632.3822 - Tyler
512.589.9584 - Austin
www.siteint.com

John F. Murphy, ASLA

Scale: AS NOTED
Designed: JF
Drawn: JB
Reviewed: JF
Date: 11-7-2018

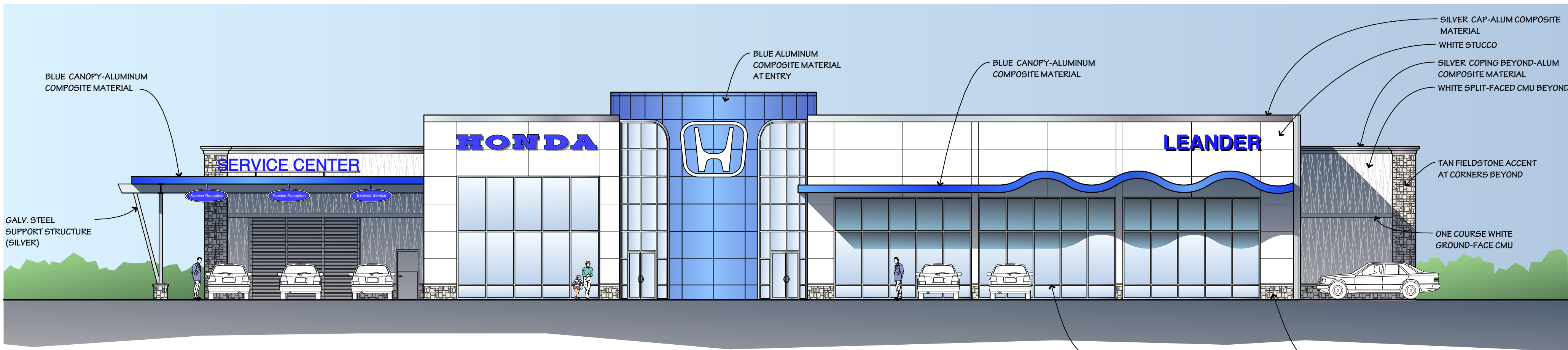
EIR/BT
PROJECT LEADER
18-TD-CP-011

Project No.:
1685-002

THIS PLAN IS
CONCEPTUAL AND WILL
BE REQUIRED TO BE
REVIEWED AS PART OF
THE SITE DEVELOPMENT
& SUBDIVISION PROCESS
FOR COMPLIANCE WITH
ALL CITY ORDINANCES.

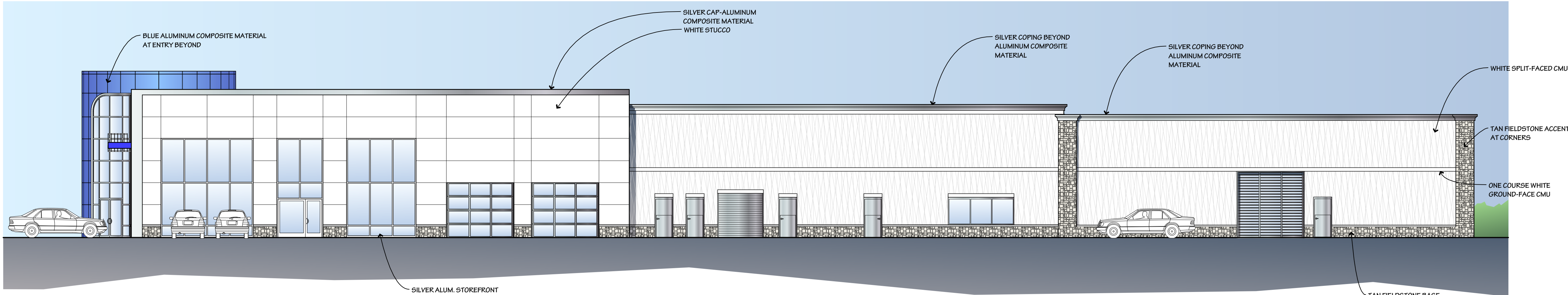
CONCEPT PLAN
AND CONCEPTUAL SITE PLAN

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

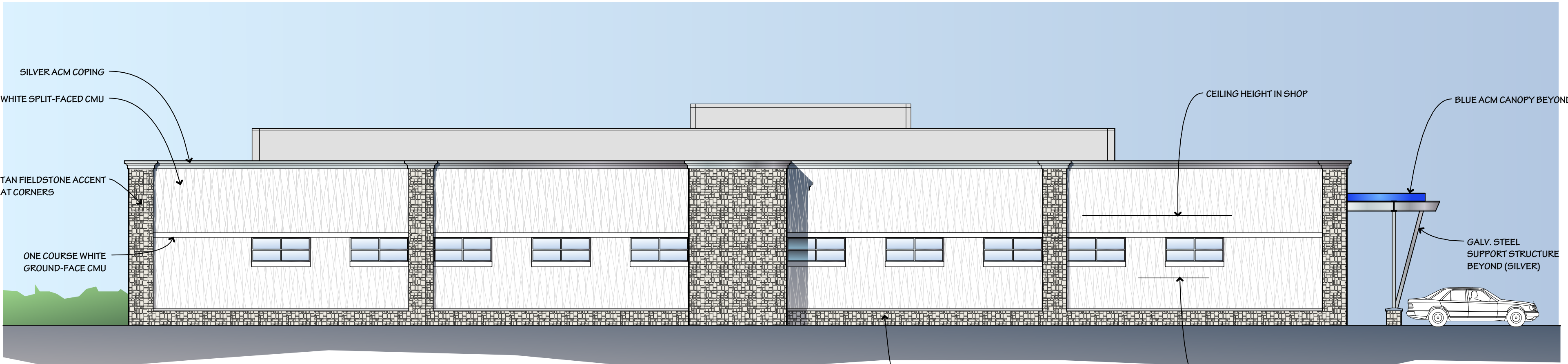


SOUTH ELEVATION
SCALE: 3/32" 1'-0"

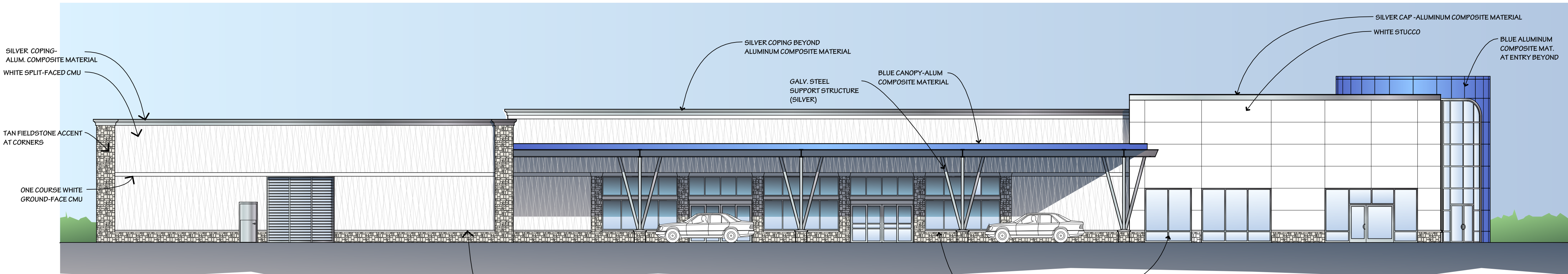
STREET ELEVATION SUMMARY		
WHITE STUCCO	1,182 SF	26%
BLUE ACM-1 (ALUMINUM COMPOSITE MATERIAL)	540 SF	12%
SILVER ACM-2 (ALUMINUM COMPOSITE MATERIAL)	180 SF	4%
WHITE CMU	570 SF	13%
TAN FIELDSTONE	221 SF	5%
ALUM STOREFRONT	1,552 SF	34%
OVERHEAD DOOR	196 SF	4%
CANOPY STRUCTURE	78 SF	2%
TOTAL	4,519 SF	100%



EAST ELEVATION
SCALE: 3/32" 1'-0"



NORTH ELEVATION
SCALE: 3/32" 1'-0"



WEST ELEVATION
SCALE: 3/32" 1'-0"



BLACK
CORLEY
OWENS +
HUGHES
ARCHITECTS
219 W SOUTH ST
BENTON, AR 72015
501 315 7686 TEL
501 315 0487 FAX

A New Facility for:
Honda of Leander
Leander, Texas

Revisions:	
No.	Reference
1	
2	
3	
4	
5	
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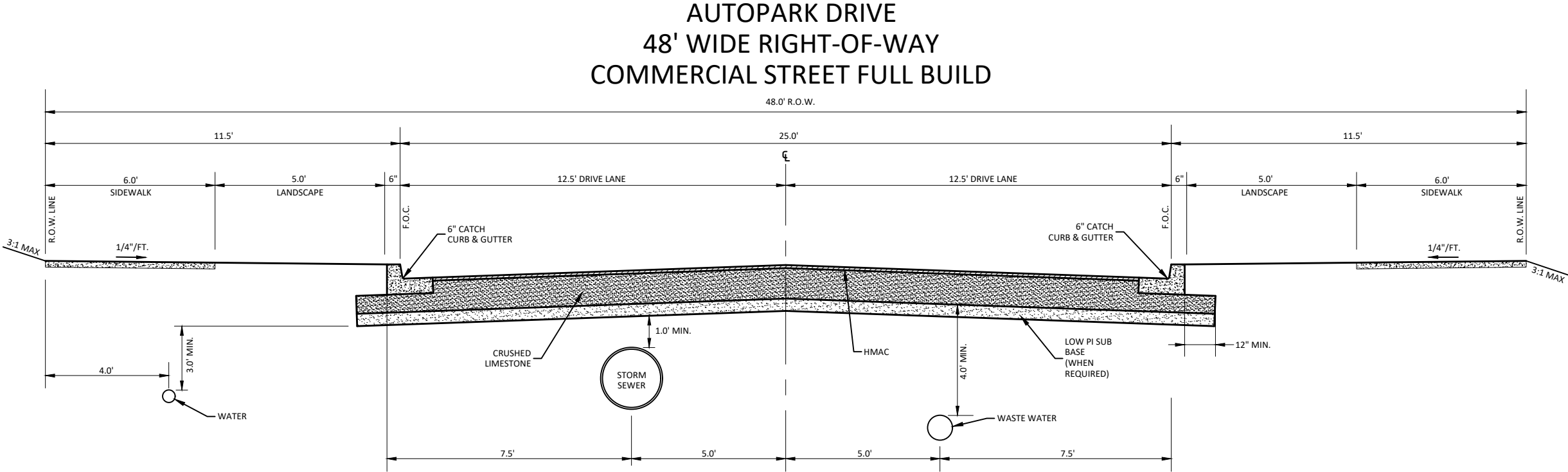
Professional Stamps:

Sheet Title:

Date: 11/5/18
Sheet:

EXHIBIT G

Drawing: P:\1685-002\dwg\working_drawings\submitted_files\Preliminary Plat\1685002 CVR-NTS.dwg
User: JBECKER
Last Modified: Nov. 21, 18 - 11:14
Plot Date/Time: Nov. 21, 18 - 11:17:49



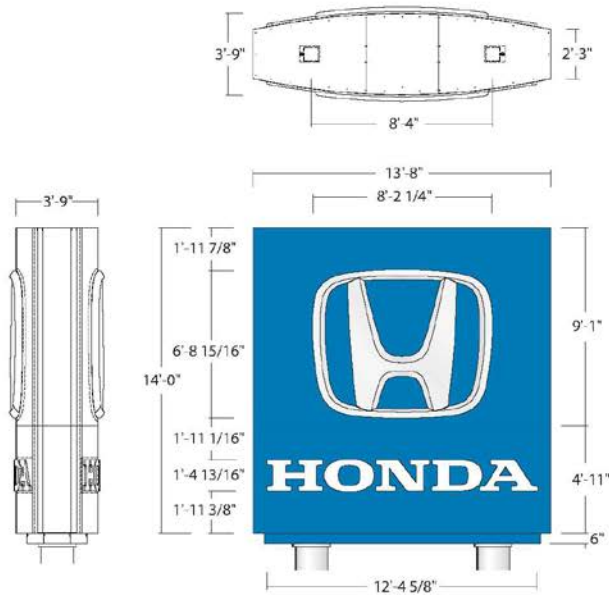
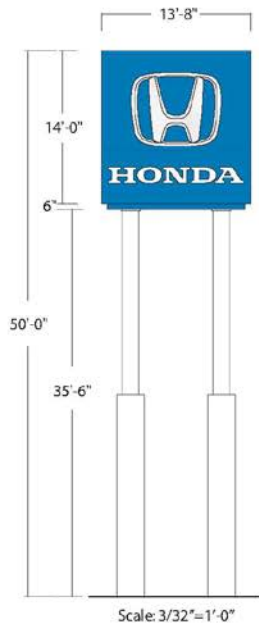
SCALE: 1"=4'

Civil Engineering • Planning • Geospatial
 123 Union Street, Suite 302
 Easthampton, MA 01027, Tel: (413)-203-2349
 www.doucetengineers.com
 TBPE Firm Number: 3937
 TBPLS Firm Number: 10105800

CROSS SECTION

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

EXHIBIT
H
Project No:
1685-003



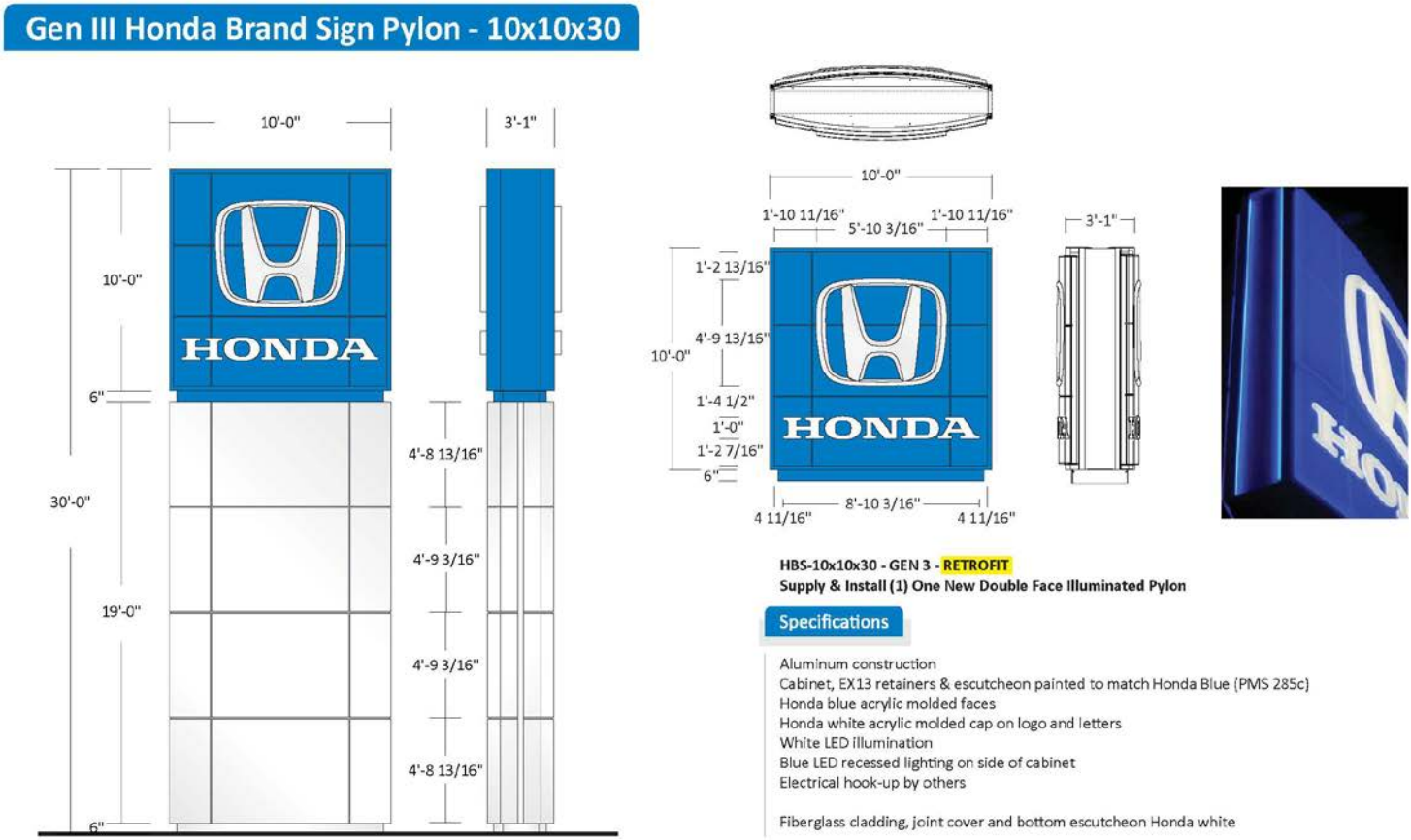
HBS-14x14x50 - GEN 3
Supply & Install (1) One D/F Illuminated Pylon Sign

Specifications:

Aluminum construction
Cabinet & escutcheon painted to match Honda Blue (PMS 285c)
Aluminum face routed out
Pushed through 3D molded white acrylic logo & letters
White LED illumination
Blue LED recessed lighting on side of cabinet
Electrical hook-up by others
18"/30" ø - 5/16" Support poles painted Honda white
Direct bury installation



EXHIBIT I



Project ID	
XX0-0000	
Date:	00-00-0000
Scale:	3/16"=1'-0"
Sales:	Sales
Designer:	Designer
Rev. #:	
Date:	
Revision Note:	
☒ Master Artwork ☒ Conceptual Artwork Information Required:	
Electrical Requirements ☒ 120V ☐ 347V ☐ Other _____	
*Voltage needs to be specified prior to customer approval	
Customer Approval Date _____	
All rights reserved. The artwork depicted herein are copyright and are the exclusive property of Pattison Sign Group and no such cannot be reproduced in whole or in part without written permission by Pattison Sign Group.	
01000 Customers Name 123 Street Name Address	
Sign Item	Page #
HBS1	1/2

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

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING THE ZONING ORDINANCE BY AMENDING THE PAG LEANDER H1 PUD (PLANNED UNIT DEVELOPMENT) TO ALLOW FOR AN AUTOMOBILE DEALERSHIP WITH UNLIMITED OUTDOOR STORAGE ON LOT 2, BLOCK B OF THE PAG LEANDER H1 SUBDIVISION; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, after giving at least ten (10) days written notice to the owners of land within two hundred (200') feet of the Property, the Planning & Zoning Commission held a public hearing on the proposed rezoning and forwarded its recommendation on the rezoning to the City Council;

WHEREAS, after publishing notice of the public hearing at least fifteen (15) days prior to the date of such hearing, the City Council at a public hearing has reviewed the request and the circumstances of the Property and finds that a substantial change in circumstances of the Property, sufficient to warrant a change in the zoning of the Property, has transpired;

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

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

SECTION 2. Amendment of Zoning Ordinance. Ordinance No. 05-018-00, as amended, the City of Leander Composite Zoning Ordinance (the "Zoning Ordinance" or "Code"), is hereby modified and amended by rezoning the Property as set forth in Section 3.

SECTION 3. Applicability. This ordinance applies to the following parcel of land, which is herein referred to as the "Property". That certain parcel of land being including 13.342 acres $\pm$; being more particularly described in Exhibit "B"; legally described as Lot 2, Block B, PAG Leander H1 Subdivision; addressed as 9480 183A Toll Road; identified by Williamson Central Appraisal District tax identification number R461858; more particularly described in Instrument Number 2022042091; recorded in the Official Public Records of Williamson County, Texas.

SECTION 4. Property Rezoned. The Zoning Ordinance is hereby amended by amending the PAG Leander H1 PUD (Planned Unit Development) to allow for an automobile dealership with unlimited outdoor storage on Lot 2, Block B of the PAG Leander H1 Subdivision. The PUD shall be developed and occupied in accordance with this Ordinance, the PUD plan attached as Exhibits "A" and "B" which are hereby adopted and incorporated herein for all purposes, and the Composite

Zoning Ordinance to the extent not amended by this Ordinance. In the event of a conflict between the Composite Zoning Ordinance and the requirements for the Property set forth in this Ordinance, this Ordinance shall control.

SECTION 5. Recording Zoning Change. The City Council directs the Planning Department to record this zoning classification on the City's official zoning map with the official notation as prescribed by the City's zoning ordinance.

SECTION 6. Severability. Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

SECTION 7. Open Meetings. That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Loc. Gov't. Code.

PASSED AND APPROVED on First Reading this the 2nd day of January, 2025.

FINALLY PASSED AND APPROVED on this the 16th day of January, 2025.

ATTEST:

THE CITY OF LEANDER, TEXAS:

Dara Crabtree, City Secretary

Christine DeLisle, Mayor



**MINUTES
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**

REGULAR MEETING

1. Call to Order.
Meeting adjourned at 6:00 p.m.
2. Roll Call.
All commissioners were present except Commissioner Laura Lantrip.
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.]

No one wished to speak.

6. Review Board and Commission Reference Book.

CONSENT AGENDA: ACTION

Motion to approve Consent Agenda items 7-8

By: Board Member Mahan

Seconded: Board Member Calame

Vote: 6 - 0 None

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.

Public Hearing opened at 6:05 p.m.; Public Hearing closed at 6:05 p.m. No one spoke in favor or opposition of the request.

Motion to approve the Zoning case Z-24-0144.

By: Board Member Mahan
Seconded: Board Member May

Vote: 6 - 0 None

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.

Public Hearing opened at 6:14 p.m.; Public Hearing closed at 6:14 p.m. No one spoke in favor or opposition of the request.

Motion to approve the Ordinance Case OR-24-0024, following a discussion.

By: Board Member Calame
Seconded: Board Member LeDay

Vote: 6 - 0 None

REGULAR AGENDA

11. Adjournment
Meeting adjourned at 6:19 p.m.

APPROVED

ATTEST:

STAFF LIAISON



EXECUTIVE SUMMARY 1/2/2025

AGENDA SUBJECT:

Conduct a Public Hearing 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 and Travis Counties, Texas.

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

BACKGROUND:

This request is the second 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 more than twenty (20) years and updates to the requirements are needed 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 is an overhaul to the ordinance that will accommodate new technologies and help with the expansion of broadband and wireless services for the community.

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. During the meeting of December 12, 2024, the Planning & Zoning Commission recommended approval.

PRESENTER:

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

Attachments:

1. OR-24-0024 Att 1 CZO WCF
2. OR-24-0024 Att 2 Redline_CZO_WCF
3. OR-24-0024 Att 3 12-12-2024 P & Z Minutes

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING SECTIONS OF ARTICLE 14.02, THE COMPOSITE ZONING ORDINANCE TO AMEND THE COMPOSITE ZONING ORDINANCE TO UPDATE REQUIREMENTS FOR WIRELESS COMMUNICATION FACILITIES; PROVIDING A SEVERABILITY CLAUSE, PROVIDING SAVINGS, EFFECTIVE DATE AND OPEN MEETINGS CLAUSES, AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City sees a need to update the ordinance requirements regarding Wireless Communication Facilities to accommodate updated technologies and provide for a more efficient permitting process for the city and development community.

WHEREAS, the Planning & Zoning Commission held a public hearing on the proposed amendments to Section 14.02.001, Article 14.02, Chapter 14, Leander Code of Ordinances (the “Composite Zoning Ordinance”), and forwarded its recommendation on the amendments to the City Council; and

WHEREAS, after publishing notice of the public hearing at least fifteen (15) days prior to the date of such hearing, the City Council at a public hearing has reviewed the request and the circumstances of the Property and finds that a substantial change in circumstances of the Property, sufficient to warrant a change in the zoning of the Property, has transpired;

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

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

SECTION 2. Amendment of Article IV, Section 1. Article IV, Section of the Composite Zoning Ordinance is hereby amended in its entirety as follows:

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) Ensure access to reliable wireless communications service throughout all areas of the city;
- (2) Preserve and protect the public safety;
- (3) Preserve and protect property values;
- (4) Ensure public health, safety, and welfare;
- (5) 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;
- (6) Provide development that is compatible in appearance with allowed uses of the underlying district;
- (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.

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.

Monopalm/Monopine– A monopole designed to look like a palm or pine tree in order to blend into the surrounding landscape.

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 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. The location of WCFs shall comply with the Administrative Approval requirements listed in [Section \(g\)](#) below.
- (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 the Composite Zoning 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 on any City-owned property and in all zoning districts except residential districts in accordance with the requirements of this Ordinance.
 - 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 [Section \(g\)\(2\)\(d\)\(iii\)](#) 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.
 - 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, steeples, monopalms, and monopines.
 - 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 \(h\)\(5\)](#) 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 comply 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:
 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.
 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. 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;
 - 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; or

- d. Use of city owned property; then,
 - e. Located as a freestanding stealth WCF in a permitted non-residential district; or
 - 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 setback 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 [Section \(h\)\(21\)](#).
 - 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.
 - (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 (6) 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 (2) 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. A screening wall 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 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. A six (6') foot screening wall shall be provided along the perimeter of the enclosure to visually screen the support structures and above-ground equipment enclosures. The screening wall shall be comprised of masonry or cementitious fiber planking when located within four hundred (400') feet of any right-of-way or residential property.
 - c. Upon completion, the owner(s)/operator(s) of the facility shall be responsible for the continued maintenance and replacement of all required screening materials.
- (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 (1) 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.
- 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 [Section \(h\)\(21\)\(b\)\(iv\)](#), 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 (15') foot taller pole may be used as in instances described in [Section \(h\)\(21\)\(b\)\(ii\)](#), above. An antenna located upon the new street pole shall conform with the development regulations specified in this Ordinance.
- iv. Equipment Enclosures.
 - 1. 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.
 - 2. 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. A masonry screening wall shall be provided along the perimeter of the equipment enclosure in order to completely obscure the visibility of the equipment enclosure from the street and adjacent properties. Sight distance clearance shall be maintained for the equipment enclosure and screening wall 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.

(i) 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.

(j) Facility Operation

(1) Maintenance

- a. Each permittee shall maintain its WCF in a good and safe condition, preserving the original appearance and concealment, disguise or screening elements incorporated into the design at the time of approval and in a manner which complies with all applicable federal, state and local requirements. Such maintenance shall include, but not be limited to, such items as painting, repair of equipment and maintenance landscaping. If the permittee fails to maintain the facility, the City may undertake the maintenance at the expense of the permittee or terminate the permit, at its sole option.
- b. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable city building codes and the applicable standards for towers that are published by the EIA, as amended from time to time. If, upon inspection, the city concludes that the tower fails to comply with such codes or standards and constitutes a danger to person or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days constitutes grounds for the removal of the WCF at the owner's expense.

(2) Modification

- a. New Permit. Any proposed change or addition to any WCF shall require the issuance of a new site development permit, pursuant to the requirements of this ordinance. This provision shall not apply to routine maintenance of a WCF, or to the replacement of any portion of the WCF with identical equipment on a WCF in conformance with this ordinance.
- b. Facility Upgrade. At the time of modification or upgrade of facilities, existing equipment shall be replaced with equipment of equal or greater technical capacity and reduced in size if reasonably possible so as to reduce visual impact.
- c. Existing Uses. All WCFs existing on the date of passage of this ordinance shall be allowed to continue their operation as they presently exist, subject to [Section \(h\)](#), [Section \(i\)](#), and [Section \(l\)](#). Routine maintenance shall be permitted. However, construction involving the replacement of support structure apparatus, antennas or any exterior alteration shall comply with all the requirements of this ordinance. Emergency Service WCFs may obtain a waiver from the commission and council in order to preserve the public health and safety. Waivers will be considered based on the applicable law, the cost of required modifications, and the public safety and welfare. The waiver shall be noticed pursuant to the public hearing requirements identified in [Section \(l\)\(4\)](#) including a report from the commission on said waiver request.

(3) Abandonment or Discontinuance of Use

- a. Construction or activation of a WCF shall commence within ninety (90) days of approval of the site development permit and completed within two years or the permit shall be null and void. An additional ninety (90) day extension may be granted by the City Manager, or his/her designee, due to weather conditions or other extenuating circumstances beyond the control of the applicant. Requests and approvals of extensions shall be made in writing.
- b. At such time that a licensed carrier plans to abandon or discontinue operation of a WCF, such carrier shall notify the city by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than thirty (30) days prior to abandonment or discontinuation of operations. In the event that a licensed carrier fails to give such notice, the WCF shall be considered abandoned upon such discontinuation of operations.
- c. Upon abandonment or discontinuation of use, the carrier should physically remove the WCF within ninety (90) days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:
 - i. Removal of antennas, support structures, equipment enclosures and security barriers from the subject property.
 - ii. Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.
 - iii. Restoring the location of the WCF to its natural condition, except that any landscaping and grading shall remain in the after-condition. Minor modification for integration with other landscaping or site design will be permitted and approved by staff.
- d. In the event that more than one provider is using the WCF, the WCF shall not be considered abandoned until all such users cease using the structure as provided in this ordinance.
- e. Abandoned WCFs may be reutilized by a provider after a site development permit is obtained illustrating compliance with this ordinance.

(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 [Section \(h\)\(5\)](#); 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 fifty (50') feet (fifteen (15) meters) in height and whip antennas less than four (4") inches (ten (10) cm) in diameter and less than ten (10') feet (three (3) meters) in height are not subject to the requirements of this Article IV of the Composite Zoning Ordinance.

(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:
 - a. The accuracy and completeness of submissions;
 - b. The applicability of analysis techniques and methodologies;
 - c. The validity of conclusions reached; and
 - d. Any specific technical issues designated by the city.
- (2) 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;
 - e. Failure to promptly cure a violation of the terms or conditions of the permit; or
 - f. Failure to commence and complete the permitted work as provided in [Section \(j\)\(3\)](#).
- (3) Notice to Cure.
 - 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.
- (4) Hearing. In the event that a permittee fails to provide evidence reasonably satisfactory to the city as provided in [Section \(l\)\(3\)](#), 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.

- (1) 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.

SECTION 3. Conflicting Ordinances. Exhibit "A", Chapter 14, Leander Code of Ordinances is amended as provided herein. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.

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

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

SECTION 6. Severability. Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

SECTION 7. Open Meetings. That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Loc. Gov't. Code.

PASSED AND APPROVED on First Reading this the 2nd of January, 2025.

FINALLY PASSED AND APPROVED on this the 16th day of January, 2025.

ATTEST:

THE CITY OF LEANDER, TEXAS:

Dara Crabtree, City Secretary

Christine DeLisle, Mayor

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~~ 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 ~~(WCFs) that will serve citizens, the traveling public and others within the city.~~

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

- (1) ~~(a)~~ — Ensure access to reliable wireless communications service throughout all areas of the city;
- (2) Preserve and protect the public safety;
- (3) ~~(b)~~ — Preserve and protect property values;
- (4) ~~(c)~~ — Ensure public health, safety, and welfare;
- (5) 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;
- (6) ~~(d)~~ — Provide development that is compatible in appearance with allowed uses of the underlying district;
- (7) ~~(e)~~ — 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) ~~(f)~~ — 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.

{Ordinance 05-018-00 adopted 9/1/05; Ordinance 11-014-00, sec. 4, adopted 6/2/11; Ordinance 11-015-00, sec. 6, adopted 6/2/11; Ordinance 18-075-00, sec. 4, adopted 12/6/18; Ordinance 022-042-00 adopted 5/5/22}

Section 1.02. Authority and applicability.

~~(a) —~~

(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.

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.

Monopalm/Monopine– A monopole designed to look like a palm or pine tree in order to blend into the surrounding landscape.

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 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) (1)–~~Cities have local authority over "placement, construction and modification" of cellular telephone facilities and other personal wireless communication service facilities.
- ~~(2) (2)–~~Regulations "shall not unreasonably discriminate among providers of functionally equivalent services."
- ~~(3) (3)–~~Regulations "shall not prohibit or have the effect of prohibiting the provision of personal wireless services."
- ~~(4) (4)–~~"Denial shall be in writing and supported by substantial evidence."
- ~~(5) (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 ~~Commissions~~**Commission's** regulations concerning such emissions."
- ~~(6) (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.

~~(b)–~~
(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.

~~(c)–~~
(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. The location of WCFs shall comply with the Administrative Approval requirements listed in Section (g) below.
- (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 the Composite Zoning Ordinance ~~05-018-00 adopted 9/1/05~~;

(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 ~~11-014-00, sec. 4, adopted 6/2/11~~;
- 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 on any City-owned property and in all zoning districts except residential districts in accordance with the requirements of this Ordinance ~~11-015-00, sec. 6, adopted 6/2/11~~;
- 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 ~~18-075-00, sec. 4, adopted 12/6/18~~;
- 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 ~~022-042-00 adopted 5/5/22~~. 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 Section (g)(2)(d)(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.

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, steeples, monopalms, and monopines.

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 (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 with 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:
 - 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.
 - 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. Building Permit. A building permit is required prior to construction of a WCF in conformance with the approved WCF Site Development Plan Permit.

Section 1.03. General provisions.

(a) —

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

(1) Use. WCFs shall be an additional permitted use as follows:

- a. (1) — 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. (2) — Nonresidential Areas. WCFs are permitted subject to the provisions of this section.
- c. (3) — City-owned property within any district.

(b) — Siting and Facility Type Priorities.

(2) (1) — Site Selection Criteria. A development plan shall be submitted and approved prior to any site development permit or building permit issuance for a WCF. The development plan shall be based upon reasonable engineering constraints and desired areas. Locations of service. WCFs shall be located on the development plan prioritized in the following priority order:

- a. (i) — 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 upon which to locate as described in subsection (c) of this section below.;
- b. (ii) — 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; or
- d. (iii) — Use of city owned property; then,
- e. (iv) — Located as a freestanding stealth WCF in a permitted non-residential district; or
- f. Other nonresidential buildings or vacant non-residentially zoned land.

(2) — Facility Type Preferred. Based on potential aesthetic and public safety impacts, the order of preference for facility type is as follows: existing tower or structures, roof attached, facade attached, street pole attached and freestanding tower.

- ~~(3) (c)~~ — 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. (1)~~—No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements;
 - ~~b. (2)~~—Existing towers or structures are not sufficiently designed to meet the applicant's engineering requirements as indicated in their development plan;
 - ~~c. (3)~~—Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment;
 - ~~d. (4)~~—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. (5)~~—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 setback 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 Section (h)(21).~~
 - ~~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.~~(d) —~~
- (6) Noise. Equipment located at the base of a WCF shall not generate noise in excess of 75 db at the property line.
- (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 (6) 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 (2) 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. ~~(1)~~ —Interference with city and public safety communication systems and/or area television or radio broadcast, prohibited~~;~~.
 - b. ~~(2)~~ —Freestanding towers within residential areas, prohibited~~;~~.
 - c. ~~(3)~~ —Lattice towers, prohibited~~;~~.
 - d. ~~(4)~~ —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.

~~Section 1.04. Permitting.~~

~~The Texas Public Information Act protects certain information as proprietary from disclosure. Information submitted by the telecommunications providers that is considered proprietary with any application shall be clearly identified as such prior to its submittal to the City. To the extent permitted by law, the City will protect information that is proprietary and is submitted as proprietary.~~

- (a) *Permit Granting Authority.* The City Council shall approve or disapprove development plans after recommendation from the Commission. The Director of Planning or his/her assignee shall approve WCF site development permits and WCFs co-locating on an existing WCF structure or utility poles in conjunction with a commercial building permit application meeting the requirements of this ordinance and the building code. An encroachment permit is necessary for all utility pole mounted WCFs located within the public right-of-way. The council may approve such encroachment permit requests.
- (b) *Development Plan.* An approved development plan is required prior to the processing of site development and building permits for any WCF. The Director of Planning may waive the processing of a development plan if it is satisfactorily demonstrated that a network of WCFs, or more than one WCF, will not be required or if co-location is proposed. The development plan illustrates a carrier's expected network of WCFs within and adjacent to the city. It shall forecast five years in advance the approximate locations of future facilities and the area of service, but is not required to detail the specific type of facility (e.g., pole, roof, building attached). Each company desiring placement of a WCF within the city shall submit a development plan prior to the submittal of any site development or building permit applications for a WCF. The development plan shall be submitted for approval by the Commission and Council prior to the processing of any site development permit. Future amendments to each company's development plan shall be submitted for approval by the Commission and Council prior to approval of additional facility locations.
- (1) *Development plan filing requirements.* The city, prior to processing a development plan application, must determine a development plan application to be complete. The city shall determine an application complete when the application contains the information described below. The following shall be included with an application for development plan approval:
- (i) *Application.* The application form shall include at a minimum:
 - a) Name, address and telephone number of the applicant, any co-applicants as well as any agents for the applicant and co-applicants. The applicant or co-applicants shall be a licensed carrier unless licensing is not required;
 - b) Name, address and telephone number of the licensed carrier and copy of current license with any updates, operational dates and the spectrum proposed;
 - c) Original signatures for the applicant and all co-applicants applying for development plan approval. If the applicant or co-applicant will be represented by an agent, the original signature authorizing the agent to represent the applicant and/or co-applicant;
 - d) Application fee as established by the City in Appendix A, City Code of Ordinances, Article 4, Section 4.1000, subsection (13) [Section A3.002], as amended.
 - (ii) A map encompassing the city and surrounding area within one mile drawn to scale of no less than one inch equals five hundred (500) feet, specifying the following:
 - a) Approximate location of proposed WCFs;
 - b) Service area of each WCF;
 - c) Street names of major streets and streets adjacent to identified WCF locations;
 - d) All existing WCFs, operated by the applicant and other carriers;
 - e) Separation distance between proposed and existing WCFs measured in feet;
 - f) Information demonstrating compliance with the standards of this ordinance;
 - g) Existing watercourses and natural features that restrict the placement of WCFs or the associated service areas; and,
 - h) North arrow, scale and legend.
- (2) *Public Hearing and Notice.* Prior to making its report to the council, the commission shall hold at least one public hearing. The council shall consider the request and the commission's report by public hearing at their next regular meeting following the commission's hearing. Notice of both hearings on proposed WCF Development Plan shall be accomplished by one publication not less than fifteen (15) days prior to the first public hearing in the official newspaper of the City.

~~(c) — Pre-application Meetings. Prior to leasing or purchasing facilities, the carrier is encouraged to meet with the Director of Planning or his/her designee to determine if the location will require other approvals, e.g. rezoning or license, and to review the merits of potential locations.~~

~~(d) — WCF Site Development Plan Permit.~~

~~(1) — WCF Site Development Permit filing requirements. A site development permit is required prior to the installation or modification of any new or existing WCF. The city, prior to processing a site development permit application, must determine a site development permit application to be complete. (See 1.06(b) as to modification) The city shall determine an application complete when the application includes a commercial building permit application and the following additional information:~~

~~(i) — A written description of how the proposed WCF fits within the development plan.~~

~~1. (ii) — 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.~~

~~1. (iii) — A map indicating the service area of the facility.~~

~~(iv) — 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.~~

~~1. (v) — Photo simulations of the proposed WCF from affected residential properties and public right-of-way at varying distances;~~

~~(vi) — Written documentation demonstrating a good faith effort in locating facilities in accordance with Section 1.03, (c).~~

~~1. (vii) — 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.~~

~~1. (viii) — 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;~~

~~a) — Certification that the antenna usage shall not interfere with other adjacent or neighboring transmission or reception functions;~~

~~a) — The applicant agrees to remove the WCF and equipment within ninety (90) days after the site's use is discontinued; and~~

~~a) — 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.~~

~~(ix) — A lease agreement with the landholder, or deed, that:~~

~~a) — Allows the landholder to enter into leases with other providers; and~~

~~b) — A lease 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.~~

~~(x) — The applicant shall demonstrate FCC licensing;~~

~~1. (xi) 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.~~

~~(xii) 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.~~

~~(xiii) A site plan indicating:~~

- ~~a) The location of the proposed WCF with setbacks;~~
- ~~b) Setbacks of the existing or proposed building/structure if the WCF is to be attached to said building/structure;~~
- ~~c) Required parking spaces;~~
- ~~d) Property lines;~~
- ~~e) Adjacent streets with names;~~
- ~~f) Any water/drainage features;~~
- ~~g) Topography no less than 5-foot intervals;~~
- ~~h) Property owner information of property immediately adjacent subject property;~~
- ~~i) Drawn to a scale of not less than one inch equal to 40 feet (40 scale) with scale indicated;~~
- ~~j) North arrow;~~
- ~~k) Location map; and,~~
- ~~l) Name and addresses of the owner of record, licensed carrier; and the licensed architect/engineer/surveyor that prepared the site plan.~~

~~(xiv) True paint samples.~~

~~(2) Public Hearing and Notice. The commission shall hold at least one public hearing. Notice of hearing on proposed WCF Site Development Plan shall be accomplished by one publication not less than fifteen (15) days prior to the public hearing in the official newspaper of the City.~~

~~1. (c) Building Permit. A building permit is required prior to construction of a WCF in conformance with the approved WCF Site Development Plan Permit.~~

~~(Ordinance 05-018-00 adopted 9/1/05; Ordinance 11-014-00, sec. 4, adopted 6/2/11; Ordinance 11-015-00, sec. 6, adopted 6/2/11; Ordinance 18-075-00, sec. 4, adopted 12/6/18; Ordinance 022-042-00 adopted 5/5/22)~~

Section 1.05. Wireless communication facility site standards.

(13) (a) 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.

~~(b) Applicable Federal and State Standards. All WCFs shall be erected and operated in compliance with current Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) rules and regulations and other applicable federal, state, and local standards.~~

(14) (c) 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.

(d) ~~Height.~~ WCFs shall not exceed eighty-five (85) feet in height above the existing or natural grade, with the exceptions as described below:

- (1) ~~Roof attached WCFs shall not exceed five feet above the highest portion of the roof membrane. The antenna and support system for whip antennas shall not exceed ten (10) feet above the highest portion of that roof, including parapet walls.~~
- (2) ~~Facade attached WCFs shall not exceed five feet above the facade to which it is attached.~~
- (3) ~~If the height of the structure is in excess of the maximum height allowed within the zone and was legally established, then the combined height of the building and antenna shall not exceed the maximum height allowed when the structure was constructed unless the Commission finds the WCF will be suitably screened or camouflaged.~~
- (4) ~~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 Subsection 1.05, (b and j), if clearly demonstrated that such is necessary to avoid disturbance or disruption of service provided by any other carrier or utility.~~

(e) ~~Setbacks.~~ All WCFs shall comply with the building setback provisions of the zoning district in which the WCF is located. In addition, the following setbacks shall be observed:

- (1) ~~Street Pole Attached.~~ No setback when constructed within the public right-of-way and under the provision of subsection J [(j)] of this section;
- (2) ~~Facade Attached.~~ The maximum projection shall be 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;~~
- (3) ~~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;~~
- (4) ~~Freestanding Tower.~~ Setbacks shall be measured from the base of the tower to the property line of the parcel on which it is located. Towers shall be set back from all property lines one hundred twenty-five (125) percent of the tower height as measured from the ground level;
- (5) ~~Equipment Enclosure.~~ Underground vaults or above-ground structures shall comply with the setback requirements of the underlying zoning district;
- (6) ~~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.~~

(f) ~~Evaluation Standards.~~ The following design criteria shall be addressed by each applicant seeking site development permit approval for a WCF:

(15) ~~(1)~~ ~~Architectural Compatibility.~~

- a. ~~(i)~~ 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. (ii)~~—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. (iii)~~—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. (iv)~~—Equipment enclosures on WCFs shall be designed consistent with this Section or placed in underground vaults.

~~(16) (2)~~—Screening. ~~Landscaping, as described in this ordinance~~ A screening wall 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 located inside the existing building, landscaping shall not be required. The following standards shall apply to all WCFs.

~~a. (i)~~—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. (ii)~~ ~~Additional landscaping and~~ A six (6') foot screening wall shall be ~~installed~~ provided along the perimeter of the enclosure to visually screen the support structures and above-ground equipment enclosures. ~~Landscaping and~~ The screening wall shall ~~consist of a combination be comprised of trees, foliage and shrubs of dense spacing in one of the following designs:~~

~~a) — A screening wall masonry or fence and a five foot wide landscape planter cementitious fiber planking when located in front of the wall within four hundred (400') feet of any right-of-way or fence; residential property.~~

~~b) — A ten (10) foot wide landscape planter; or~~

~~c) — 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 Section 6(f)(2ii) [1.05(f)(2)(ii)] a) and b) above and are approved by planning staff.~~

~~b. (iii)~~—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.~~

~~(iv) — Fencing. Security fencing, if installed, shall be by a wrought iron or steel 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 [16], Privacy Fences.~~

~~(17) (3)~~—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) ~~(g)~~ Facility Lighting and Signage.

a. ~~(1)~~ 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. ~~(2)~~ 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. ~~(h)~~ 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:

~~(1) If the WCF is fully automated, one (1) off-street parking space shall be provided for the maintenance workers, excluding utility pole mounted WCFs.~~

~~(2) Non-automated WCFs shall provide documentation regarding the provision of adequate off-street parking. Parking will be sufficient to accommodate the maximum number of employees at any one time, plus one.~~

(19) ~~(i)~~ 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. ~~(1)~~ 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. ~~(2)~~ 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.

(20) ~~(j)~~ 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.

a. ~~(1)~~ 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~~ Section (h)(21)(b)(iv). below.

b. ~~(2)~~ — Utility Pole/Tower Attached WCFs.

i. ~~(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. ~~(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)~~ 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. ~~(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 (15') foot taller pole may be used as in instances described in ~~j(iii)-(j)(2)(iii)~~ Section (h)(21)(b)(ii), above. An antenna located upon the new street pole shall conform with the development regulations specified ~~above in subsections j(i) and (ii)-(j)(2)(i) and (iii); in this Ordinance.~~

iv. ~~(iv)~~ — Equipment Enclosures.

1. ~~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.

2. ~~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~~ A masonry screening wall shall be ~~installed and maintained provided along the perimeter of the equipment enclosure in order~~ 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 landscapes~~ screening wall pursuant to the requirements of this Section and city ordinances.

v. ~~(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~~Commission and ~~council~~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.

~~(k)~~_____

(i) Safety.

- (1) ~~(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) ~~(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) ~~(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.

Section 1.06.

(j) Facility ~~operation~~.Operation

(1) ~~(a)~~ Maintenance.

- a. ~~(1)~~ —Each permittee shall maintain its WCF in a good and safe condition, preserving the original appearance and concealment, disguise or screening elements incorporated into the design at the time of approval and in a manner which complies with all applicable federal, state and local requirements. Such maintenance shall include, but not be limited to, such items as painting, repair of equipment and maintenance landscaping. If the permittee fails to maintain the facility, the City may undertake the maintenance at the expense of the permittee or terminate the permit, at its sole option.
- b. ~~(2)~~ —To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable city building codes and the applicable standards for towers that are published by the EIA, as amended from time to time. If, upon inspection, the city concludes that the tower fails to comply with such codes or standards and constitutes a danger to

person or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days constitutes grounds for the removal of the WCF at the ~~owner's~~owner's expense.

~~(b)–~~

(2) Modification–

- a. ~~(1)~~—New Permit. Any proposed change or addition to any WCF shall require the issuance of a new site development permit, pursuant to the requirements of this ordinance. This provision shall not apply to routine maintenance of a WCF, or to the replacement of any portion of the WCF with identical equipment on a WCF in conformance with this ordinance.
- b. ~~(2)~~—Facility Upgrade. At the time of modification or upgrade of facilities, existing equipment shall be replaced with equipment of equal or greater technical capacity and reduced in size if reasonably possible so as to reduce visual impact.
- c. ~~(3)~~—Existing Uses. All WCFs existing on the date of passage of this ordinance shall be allowed to continue their operation as they presently exist, subject to ~~Section 1.05, 1.06~~Section (h), Section (i), and 1.08:Section (l). Routine maintenance shall be permitted. However, construction involving the replacement of support structure apparatus, antennas or any exterior alteration shall comply with all the requirements of this ordinance. Emergency Service WCFs may obtain a waiver from the commission and council in order to preserve the public health and safety. Waivers will be considered based on the applicable law, the cost of required modifications, and the public safety and welfare. The waiver shall be noticed pursuant to the public hearing requirements identified in ~~subsection 5(b)(2) [1.06(e)(2)]~~Section (l)(4) including a report from the commission on said waiver request.

~~(e)–~~

(3) Abandonment or Discontinuance of Use–

- a. ~~(1)~~—Construction or activation of a WCF shall commence within ninety (90) days of approval of the site development permit and completed within two years or the permit shall be null and void. An additional ninety (90) day extension may be granted by the City Manager, or his/her designee, due to weather conditions or other extenuating circumstances beyond the control of the applicant. Requests and approvals of extensions shall be made in writing.
- b. ~~(2)~~—At such time that a licensed carrier plans to abandon or discontinue operation of a WCF, such carrier shall notify the city by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than thirty (30) days prior to abandonment or discontinuation of operations. In the event that a licensed carrier fails to give such notice, the WCF shall be considered abandoned upon such discontinuation of operations.
- c. ~~(3)~~—Upon abandonment or discontinuation of use, the carrier should physically remove the WCF within ninety (90) days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:
 - i. ~~(i)~~—Removal of antennas, support structures, equipment enclosures and security barriers from the subject property.

- ii. ~~(ii)~~ — Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.
- iii. ~~(iii)~~ — Restoring the location of the WCF to its natural condition, except that any landscaping and grading shall remain in the after-condition. Minor modification for integration with other landscaping or site design will be permitted and approved by staff.
- d. ~~(4)~~ — In the event that more than one provider is using the WCF, the WCF shall not be considered abandoned until all such users cease using the structure as provided in this ordinance.
- e. ~~(5)~~ — Abandoned WCFs may be reutilized by a provider after a site development permit is obtained illustrating compliance with this ordinance.

~~Section 1.07. Exemptions.~~

~~(a) —~~

(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~~7~~) inches (one (1) meter) or less in diameter;
- (2) The antenna, if attached to a building, shall comply with ~~subsection 1.05(j);~~ Section (h)(5); and the antenna is attached to a freestanding tower measuring less than twelve (~~12~~12') feet in height; and,
- (3) Lightning rods, private mobile radio systems, amateur radio antennas less than ~~50~~fifty (50') feet (fifteen (15) meters) in height and whip antennas less than four (4') inches (ten (10) cm) in diameter and less than ~~10~~ten (10') feet (three (3) meters) in height are not subject to the requirements of this Article IV of the Composite Zoning Ordinance.

~~Section 1.08.~~

(l) Recovery and ~~revocation.~~ Revocation

(1) (a) — 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:

- a. ~~(1)~~ — The accuracy and completeness of submissions;
- b. ~~(2)~~ — The applicability of analysis techniques and methodologies;

- ~~c. (3)~~—The validity of conclusions reached; and
 - ~~d. (4)~~—Any specific technical issues designated by the city.
 - ~~(2) (b)~~Revocation or Termination of Permit. A permit issued pursuant to this ordinance may be revoked for the following reasons:
 - ~~a. (1)~~—Construction, and/or maintenance operation of a WCF at an unauthorized location;
 - ~~b. (2)~~—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. (3)~~—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. (4)~~—Abandonment of the WCF as set forth in this ordinance; ~~or~~
 - ~~e. (5)~~—Failure to promptly cure a violation of the terms or conditions of the permit; ~~or~~
 - ~~f. (6)~~—Failure to commence and complete the permitted work as provided in ~~subsection 1.06(e)(1).~~Section (j)(3).
 - ~~(3) (c)~~Notice to Cure.
 - ~~a. (1)~~—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. (i)~~—That corrective action has remedied the violation or noncompliance;
 - ~~ii. (ii)~~—That rebuts the alleged violation or noncompliance; and/or
 - ~~iii. (iii)~~—That [it] would be in the public interest to impose some penalty or sanction less than revocation.
 - ~~(4) (2)~~Hearing. In the event that a permittee fails to provide evidence reasonably satisfactory to the city as provided in ~~Subsection c1 of this Section,~~Section (1)(3). the city shall refer the apparent violation or noncompliance to the council.
 - ~~a. (i)~~—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. (ii)~~—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. (iii)~~—In making their recommendation and decision, respectively, the Commission and Council shall apply the following factors;
 - ~~i. a)~~—Whether the misconduct was egregious;

- ii. ~~b)~~—Whether substantial harm resulted or is likely to result without corrective action;
- iii. ~~c)~~—Whether the violation was intentional;
- iv. ~~d)~~—Whether there is a history of prior violations of the same or other requirements;
- v. ~~e)~~—Whether there is a history of overall compliance; and
- vi. ~~f)~~—Whether the violation was voluntarily disclosed, admitted or cured.[‡]

~~Section 1.09.~~

(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.

~~Section 1.10.~~

(n) Conflict of regulations.

- (1)** 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.

[‡]Editor's note(s)—Original has this as subsection d).



**MINUTES
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**

REGULAR MEETING

1. Call to Order.
Meeting adjourned at 6:00 p.m.
2. Roll Call.
All commissioners were present except Commissioner Laura Lantrip.
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.]

No one wished to speak.

6. Review Board and Commission Reference Book.

CONSENT AGENDA: ACTION

Motion to approve Consent Agenda items 7-8

By: Board Member Mahan

Seconded: Board Member Calame

Vote: 6 - 0 None

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.

Public Hearing opened at 6:05 p.m.; Public Hearing closed at 6:05 p.m. No one spoke in favor or opposition of the request.

Motion to approve the Zoning case Z-24-0144.

By: Board Member Mahan
Seconded: Board Member May

Vote: 6 - 0 None

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.

Public Hearing opened at 6:14 p.m.; Public Hearing closed at 6:14 p.m. No one spoke in favor or opposition of the request.

Motion to approve the Ordinance Case OR-24-0024, following a discussion.

By: Board Member Calame
Seconded: Board Member LeDay

Vote: 6 - 0 None

REGULAR AGENDA

11. Adjournment
Meeting adjourned at 6:19 p.m.

APPROVED

ATTEST:

STAFF LIAISON



EXECUTIVE SUMMARY
1/2/2025

AGENDA SUBJECT:

Discuss and consider action regarding Ordinance Cases OR-21-0004 and OR-21-0005 to amend the Subdivision Ordinance and Chapter 13 Utilities regarding phasing for residential development; and to provide for related matters; Williamson and Travis Counties, Texas.

BACKGROUND:

An amendment was adopted to the Utilities Code and Subdivision Ordinance in January of 2022 and the most recent annual review was completed in January of 2024. This amendment was in response to the exponential growth rates over the past years and the desire to manage the number of LUE's (Living Unit Equivalents) added to the water system. The amendment included the addition of provisions for development phasing in response to our water concerns. A provision was included as part of the ordinance that requires that the City Council review the requirements and confirm that the residential development phasing is still needed. Between January 6, 2022, and January 4, 2024, the City Council has reviewed five concept plan cases that were required to provide phasing.

- Wildsprings Concept Plan
 - 2023 – 145 units
 - 2025 – 119 units
 - 2027 – 65 units

- Barksdale Concept Plan
 - 2022 – 54 units
 - 2023 – 49 units

- Ultimate Park Concept Plan
 - 2023 – 154 units
 - 2024 – 75 units

- Lonestar Concept Plan
 - 2023 – 66 units
 - 2025 – 14 units

- Sullivan Concept Plan

- 2023 – 110 units
- 2024 – 36 units

Since January of 2024 we have reviewed seven concept plan cases that were required to provide phasing.

- Burleson Concept Plan
 - 2025 – 286 units
 - 2026 – 128 units
 - 2027 – 136 units

- Springs at M Ranch
 - 258 units

- Cypress Meadows
 - 92 units

- Glory Hill
 - 43 Units

- Sullivan Tract
 - 2024 – 71 units
 - 2025 – 77 units
 - 2026 – 66 units

- Enclave at Crystal Falls
 - 78 units

- Villas at Speaking Rock
 - 2028 – 17 units.

The ordinance approving the amendment stated that this ordinance shall be reviewed by the Council annually.

HISTORY/TIMELINE:

01/06/2022 Ordinance Amendment Adoption
 01/19/2023 Annual Ordinance Review
 01/04/2024 Annual Ordinance Review

APPLICANT/AGENT:

City of Leander

RECOMMENDATION:

Staff does not have any recommended changes to the ordinances at this time. The Council has allowed for single phased development when appropriate to provide for the efficient construction of subdivisions.

PRESENTER:

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

Fiscal Impact

Attachments:

1. Att 1 22-005-00 Subdivision Amendments
2. Att 2 22-006-00 Chapter 13 Development Phasing

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS

ORDINANCE NO. 22-005-00

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS AMENDING SECTIONS OF ARTICLE 10.02, EXHIBIT A, THE SUBDIVISION ORDINANCE TO UPDATE THE DEFINITIONS SECTION, PROVIDE OPTIONS FOR A DUE DILIGENCE REPORT, MODIFY APPLICATION COMPLETION REVIEW REQUIREMENTS, REMOVE THE A, B, AND C STREET REQUIREMENTS, UPDATE THE CONCEPT PLAN SUBMITTAL REQUIREMENTS TO PROVIDE OPTIONS FOR CONCURRENT REVIEW WITH THE PRELIMINARY PLAT PROCESS, PROVIDE PHASING REQUIREMENTS, REMOVE MYLAR REQUIREMENTS, UPDATE EASEMENT REQUIREMENTS, UPDATE THE BUFFER ZONE REQUIREMENTS; PROVIDING A SEVERABILITY CLAUSE, PROVIDING SAVINGS, EFFECTIVE DATE AND OPEN MEETINGS CLAUSES, AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the Planning & Zoning Commission held a public hearing on the proposed amendments to Chapter 10, Article 10.02, Section 10.02.001, Exhibit A, Leander Code of Ordinances (the “Subdivision Ordinance”); and forwarded its recommendation on the amendments to the City Council; and

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

WHEREAS, regarding the requirements for phasing of subdivisions are provided herein, such requirements addressing the timing of review of phases of the subdivision and constructing phases in accordance with their sequence are reasonable and necessary for the orderly construction of subdivisions and to avoid negative impacts that have arisen from nonsequential review and construction of phases;

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

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

SECTION 2. Amendment of Article I, Section 1. Article I, Section 1 of the Subdivision Ordinance is amended by adding the following definitions:

Due Diligence Report means a report that provides details of a property including zoning, future land use categories, utilities, subdivision requirements, and other similar information. This report may be requested in lieu of a Pre-Development Meeting.

Executive Director of Development Services means the person appointed by the City Manager to oversee the Development Services Department and serve as the Planning Director.

Greenbelt means a series of connected open spaces that may follow natural features such as creeks or streams.

Lot Area means the area contained within the boundary lines of a lot, excluding any street, easement for street purposes, or street right-of-way.

Lot, Flag means a lot resulting from a division of a tract of land that, before its division, did not have sufficient width on a street to create more than one lot abutting said street but had sufficient area and depth to be divided into more than one buildable lot.

Parent Tract means the tract or parcel of land from which the property being platted is derived.

Phasing Plan means the Development Phasing Plan for the development of a subdivision that provides the timing of each phase or subsection approved in accordance with Article 13.12 of the Code, and that includes the number of lots and the infrastructure to be completed in each phase, and any other information required by Article 13.12 of the Code.

Pre-Development Meeting means a meeting with city staff to help familiarize the applicant with applicable codes and regulations. The Director of Planning may waive this requirement if they deem that the meeting is not necessary. A Due Diligence Report may be prepared in lieu of a Pre-Development Meeting.

Private Street means a street that is not dedicated to the public for maintenance, operation or ownership. It is owned and maintained by either a Homeowners' Association for residential developments or Property Owners' Association for nonresidential developments.

Replat means to re-subdivide all or any part of a recorded plat, which does not require the vacation of the entire preceding plat.

Right-of-Way (ROW) means a strip of land acquired by dedication, prescription, or condemnation and intended to be occupied by a street, trail, water line, wastewater line, and/or other public utilities or facilities.

Roadway means the paved area of a street between the face of the curb lines, including the driving, parking, and bicycle lanes.

SECTION 3. Amendment of Article I, Section 1. Article I, Section 1 of the Subdivision Ordinance is amended by removing the following definitions:

A Street means streets that provide the highest level of pedestrian amenities and are intended to provide a walkable connection between commercial and residential uses. Type A streets prohibit parking between the building façade and the public right-of-way. A continuous building frontage is required on A Streets, and may only be broken by a street, pedestrian passage, courtyard or similar feature approved by the Director of Planning. For phased building construction within a block, a screen wall or landscape hedge shall be constructed at the building frontage line prior to building construction. A map identifying the different street types shall be maintained and kept on file with the Planning Department.

B Street means streets that are more automobile-oriented, but still provide pedestrian amenities and limit the amount of surface parking between buildings and the street. A continuous building frontage is required on B Streets, and may only be broken by a street, pedestrian passage, courtyard or similar feature approved by the Director or Planning. For phased building construction within a block, a screen wall or landscape hedge shall be constructed at the building frontage line prior to building construction. Surface parking consisting of no more than one drive aisle with head-in parking spaces on each side of the drive aisle are permitted between the building and the right-of-way for B Streets. All collector streets shall be classified as B Streets unless designated otherwise on the A, B, & C Streets Map. A map identifying the different street types shall be maintained and kept on file with the Planning Department.

Backage Road means a road that runs parallel to or alongside an arterial street that provides the main point of access to property.

C Street means streets that are the most automobile-oriented and provide for significant amounts of surface parking between buildings and the public right-of-way. A map identifying the different street types shall be maintained and kept on file with the Planning Department.

SECTION 4. Amendment of Article I, Section 1. Article I, Section 1 of the Subdivision Ordinance is amended by modifying the following definitions to read as follows:

Caliper means the trunk diameter of a tree at four (4) feet above natural grade for existing trees for the purposes of a tree survey. Caliper means trunk diameter of a tree at twelve (12”) inches above natural grade for newly planted trees.

Comprehensive Plan means the City’s comprehensive plan adopted pursuant to Chapter 213, Texas Local Government Code and Sections 10.02 and 10.03 of the City Charter. The plan includes the overall development plan for the community which provides long-range development policies including all specified individual elements thereof among which are the plans for land intensities; land subdivision; circulation; and community facilities, utilities and services.

County means, with respect to land located in Williamson County, Williamson County, Texas; and, with respect to land located within Travis County, Texas.

Floodplain means channel of a waterway and the adjacent land area subject to inundation during the design storm.

SECTION 5. Amendment of the term “Flood Plain”. The term “flood plain” wherever it appears in the Subdivision Ordinance shall be modified to appear as “Floodplain”.

SECTION 6. Amendment of Article I, Section 8. Article I, Section 8 of the Subdivision Ordinance is hereby amended by adding Section 8(e) and renumbering the existing subsection (e) to be subsection (f).

- (e) A tract of land may not be served or connected with City utilities unless a plat has been approved and recorded for said tract of land, nor shall the City have any obligation to extend utility service to any parcel created in violation of this code.

SECTION 7. Amendment of Article II, Section 20(c). Article II, Section 20(c) of Subdivision Ordinance is hereby amended in its entirety to read as follows:

- (c) **Pre-Development Meeting.** The applicant is required to attend a pre-development meeting with city staff to help familiarize the applicant with applicable codes and regulations. The Director of Planning may waive this requirement if they deem that the meeting is not necessary. A Due Diligence Report may be prepared in lieu of a Pre-Development Meeting.

SECTION 8. Amendment of Article II, Section 20(d). Article II, Section 20(d) of Subdivision Ordinance is hereby in its entirety to read as follows:

- (d) General Subdivision Process; Phasing.
 - (i) Generally, the subdivision process is comprised of four (4) individual steps, consisting of the Concept Plan, the Preliminary Plat, Construction Plans, and the Final Plat. Each step of the development process has established deadlines and expirations that must be met in order for the application and any approval(s) granted to remain valid, in effect and eligible to continue to the next step of, or to complete, the development process. Compliance with each such established deadline constitutes a separate required performance and approval.
 - (ii) Phasing Plan.
 - a) A subdivision is required to be phased if it includes more than thirty (30) lots or units. The proposed Phasing Plan is required to be submitted concurrently with the Concept Plan and must be approved prior to approval of a Concept Plan. If an applicant wishes to amend an approved Phasing Plan after approval at the Concept Plan stage, the applicant is required to submit and receive

approval of the Phasing Plan amendment prior to or concurrently with the Preliminary Plat. Article 13.12 of the Code governs the requirements for a Phasing Plan and procedure for review and approval.

(iii) Impact of the Phasing Plan on the Sequence of Preliminary Plat and Construction Plan Applications.

- a) If an applicant applies for a Preliminary Plat for less than the entire property shown in the Concept Plan, the Preliminary Plat for each phase may not be reviewed concurrently, must be submitted in the order shown on the approved Phasing Plan, and review of the Preliminary Plat for a particular phase must be completed and scheduled for Commission approval before a subsequent phase may be submitted for review. In addition, the Preliminary Plat applications must contain the property shown in each phase of the approved Phasing Plan.
- b) Construction Plans for each phase shall be submitted in accordance with the phasing shown on the approved Phasing Plan, must be submitted in the order shown on the approved Phasing Plan, may not be reviewed concurrently, and review of the construction plans for a particular phase must be completed before a subsequent phase may be submitted for review. The infrastructure in an approved Construction Plan for a particular phase set must be completed and accepted by the City before the applicant may commence construction on a subsequent phase of the subdivision.

SECTION 9. Amendment of Article II, Section 20(g). Article II, Section 20(g) of Subdivision Ordinance is hereby in its entirety to read as follows:

(g) **Application Completeness Review.**

- (1) City staff shall review all applications, for completeness and either accept the application as complete or reject the application and provide the applicant with written notice of rejection that specifies the reasons for rejection within ten (10) business days of the date the application is submitted. An application will be considered complete if it is submitted in the required form and in accordance with the sequencing required in the Phasing Plan and Section 20(d)(iii), includes all information and documents required in the application, and is accompanied by the applicable fees. All applications shall also include a list of any requested variance from the ordinance. Resubmittal Applications are also subject to Section 20(h). An application that is not complete, does not include the information or documents required in the application, or is not accompanied by the applicable fees may not be accepted by the City. If the application is determined to be incomplete, the Director of Planning shall provide written notice of the rejection of the application that includes a description of the application's deficiencies. No further processing of

the application will occur until the deficiencies are corrected.

- (2) In addition to the items required on the Construction Plan application and checklist, the following must be reviewed and approved prior to the submittal of the Construction Plan application and submitted with the application in order for it to be accepted as complete, unless the City Engineer or Director of Planning determines that one of the items is either not needed or may be reviewed concurrently to process the Construction Plan Application:
 - (a) Lift station report
 - (b) Water and wastewater capacity analysis
 - (c) Drainage study
 - (d) Floodplain development permit/CLOMR
 - (e) Traffic impact analysis

SECTION 10. Amendment of Article II, Section 21 (a)(1)&(2). Article II, Section 21 (a) (1) & (2) of the Subdivision Ordinance are hereby amended in their entirety to read as follows:

- (a) **Purpose.** The purpose of the Concept Plan is to demonstrate conformance with the Comprehensive Plan, compatibility of the proposed development with this and other applicable City ordinances, and the coordination of improvements within and among individually platted parcels, sections, or phases of a development, prior to the consideration of a Preliminary Plat unless otherwise identified in this ordinance.

- (1) A Concept Plan shall be required for all subdivisions of land, except as otherwise provided for in this Ordinance for Short Form Final Plats. The Developer shall submit a Concept Plan prior to a Preliminary Plat for approval when the proposed subdivision includes any of the following:

- (i) A new road network; or
 - (ii) More than fifteen (15) lots; or
 - (iii) More than thirty (30) acres.

When a Concept Plan does not meet the above criteria, it may be submitted for concurrent review with the Preliminary Plat when the Alternative Review Process is selected.

- (2) The Concept Plan shall include the Parent Tract to ensure the orderly planning of streets, utilities, drainage, and other public facilities. The Concept Plan shall also include all adjacent and contiguous land, owned or controlled by the developer or the person, firm or corporation that sold the tract being developed.

SECTION 11. Amendment of Article II, Section 21 (c)(16), (17), (18), & (19). Article II, Section 21 (c) (16), (17), (18), and (19) of the Subdivision Ordinance are hereby amended in their entirety to read as follows:

- (16) A proposed Phasing Plan for the development of future sections.
- (17) A park plan in conformance with this ordinance including all land proposed for dedication, all proposed park facilities, and calculations or other information indicating compliance with park requirements.

- (18) Any information required by the most recent City concept plan application/checklist.
- (19) For Resubmittal Applications, in addition to containing the information and documents required by this subsection (c), a transmittal letter that describes how each reason for disapproval of the Concept Plan is being remedied or how each condition of a conditional approval is being satisfied, as applicable, and identifying the location in the Concept Plan application where each remedy or response to a condition can be found. The transmittal letter shall further identify whether any other changes to the application have been made other than those necessary to respond to the reasons for disapproval.

SECTION 12. Amendment of Article II, Section 21(f). Article II, Section 21(f) of Subdivision Ordinance is hereby amended to add section (f)(6) to read as follows:

- (6) The Commission and Council shall approve the Concept Plan if it conforms with the requirements of this Code, the Comprehensive Plan, the Composite Zoning Ordinance, and the Texas Local Government Code and the applicant has obtained approval of a Phasing Plan, while taking into account access to and extension of the City water system, reuse water system (if applicable), wastewater system, and stormwater drainage facilities.

SECTION 13. Amendment of Article II, Section 22(a). Article II, Section 22(a) of Subdivision Ordinance are hereby amended in its entirety to read as follows:

- (a) **Purpose.** The Preliminary Plat provides detailed graphic information and associated text indicating property boundaries, easements, land use, streets, utilities, drainage, and other information required to evaluate proposed subdivisions of land. A Preliminary Plat shall be required for any subdivision of land, except as otherwise provided for in this Ordinance, subsequent to Concept Plan approval or concurrently if the subdivision meets the criteria in Section 21 of this ordinance.

SECTION 14. Amendment of Article II, Section 22(c)(1). Article II, Section 22(c)(1) of Subdivision Ordinance is hereby amended in its entirety to read as follows:

- (1) Concept Plan and Phasing.
 - (i) Either the Concept Plan proposed for concurrent review; or the approved concept plan.
 - (ii) The approved Phasing Plan and the proposed amended Phasing Plan, if an amendment is sought.
 - (iii) If an applicant applies for a Preliminary Plat for less than the entire property shown in the Concept Plan, verification that the Preliminary Plat is submitted in the order shown on the approved Phasing Plan and that all prior phases have been reviewed and scheduled for approval by the commission.

SECTION 15. Amendment of Article II, Section 22(c)(4). Article II, Section 22(c)(4) of Subdivision Ordinance is hereby amended to remove (viii) and renumber the remainder of the section accordingly.

SECTION 16. Amendment of Article II, Section 22(h). Article II, Section 22(h) of the Subdivision Ordinance is hereby amended by amended in its entirety to read as follows:

(h) Application Expiration.

- (1) The Preliminary Plat application shall expire nine (9) months after the date that all initial staff review comments from all reviewing departments have been issued on the application if the Preliminary Plat is not approved due to the applicant's failure to cause the application to comply with applicable city regulations. If the Concept Plan and the Preliminary Plat applications are submitted concurrently, the Concept Plan and Preliminary Plat applications shall both expire nine (9) months after the date that all staff review comments from all reviewing departments have been issued on the applications if both the Concept Plan and Preliminary Plat are not approved due to the applicant's failure to cause the applications to comply with all applicable City regulations.
- (2) The Planning Department may grant one six (6) month extension if the applicant can show substantial progress in obtaining approval of the Preliminary Plat, and the Concept Plan if submitted concurrently with the Preliminary Plat application. Substantial progress shall consist of, at a minimum, a resubmission of the Preliminary Plat, the concept plan in the case of a concurrent submission, and all relevant materials by the applicant that address all initial staff review comments from all reviewing departments.
- (3) After expiration of an application, any new Preliminary Plat application will be required to be re-submitted as a new application including re-paying all of the fees associated with this process.

SECTION 17. Amendment of Article II, Section 22(i). Article II, Section 22(i) of the Subdivision Ordinance is hereby amended in its entirety to read as follows:

(i) Approval Expiration.

- (1) The approval of a Preliminary Plat shall expire two (2) years after the filing date unless:
 - (a) Corresponding Construction Plans and/or Final Plats on all, or a portion of, the land approved on the Preliminary Plat are filed, and, if necessary, additional Construction Plans and/or Final Plats are filed in not greater than two year intervals until all of the land within the Preliminary Plat has approved Construction Plans and Final Plats; provided that approval of all such Construction Plans and Final Plats are obtained within seven (7) years of the filing date of the Preliminary Plat; or
 - (b) An extension is granted by the Commission in accordance with this Ordinance; provided that in no event shall an extension be granted that exceeds nine (9) years after the filing date.

- (2) When a Concept Plan application is submitted and approved concurrently with a Preliminary Plat application, the approval of the Concept Plan shall expire when the approval of the Preliminary Plat expires under Section 22(i)(1).

SECTION 18. Amendment of Article II, Section 23(c). Article II, Section 23(c) of the Subdivision Ordinance are hereby amended in its entirety to read as follows:

- (c) **Content.** Construction Plans shall include all on and off-site improvements required to serve the proposed development as indicated on the approved Preliminary Plat and in compliance with applicable ordinances, codes, standards and policies of the City, and other applicable governmental entities. All Construction Plans shall be signed and sealed by a licensed professional engineer, licensed to practice in the State of Texas, include all information required by the most recent application/checklist, and shall contain or have attached thereto:
- (1) Cover Sheet.
 - (i) The appropriate project name, date, and the name, addresses and phone numbers of the developer, engineer and surveyor, etc.
 - (ii) A location map showing the 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.
 - (2) Street and Roadway Systems:
 - (i) The horizontal layouts and alignments showing geometric data and other pertinent design details. The horizontal layout shall also show the direction of storm water flow and the location of manholes, inlets and special structures;
 - (ii) Vertical layouts and alignments showing existing and proposed center line, right and left right-of-way line elevations along each proposed roadway.
 - (iii) An analysis of vertical sight distance for proposed street intersections in accordance with the Transportation Criteria Manual.
 - (iv) Typical right-of-way cross sections showing pertinent design details and elevations as prescribed in the City Standard Details and Specifications;
 - (v) Typical paving sections showing right-of-way width, lane widths, median widths, shoulder widths, and pavement recommendations;
 - (vi) Attendant documents containing any additional information required to evaluate the proposed roadway improvements, including geotechnical information and traffic impact studies; and
 - (3) Drainage Improvements:
 - (i) 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.

- (ii) Typical channel cross-sections, plan and profile drawings of every conduit/channel shall be shown.
 - (iii) 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.
 - (iv) Attendant documents containing design computations in accordance with this Ordinance, and any additional information required to evaluate the proposed drainage improvements.
 - (v) A copy of the complete application for flood plain map amendment or revision, as required by the Federal Emergency Management Agency (FEMA), if applicable.
- (4) Erosion and Sedimentation Controls:
 - (i) Proposed fill or other structure elevating techniques, levees, channel modifications and detention facilities.
 - (ii) 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.
 - (iii) 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.
 - (iv) Contractor staging areas, vehicle access areas, temporary and permanent spoils storage areas.
 - (v) A plan for restoration for the mitigation of erosion in all areas disturbed during construction.
- (5) Water Distribution Systems:
 - (i) The layout, size and specific location of the existing and proposed water mains, pump stations, storage tanks and other related structures sufficient to serve the proposed land uses and development as identified in the Preliminary Plat phase and in accordance with the City Standard Details and Specifications.
 - (ii) The existing and proposed location of fire hydrants, valves, meters and other fittings.
 - (iii) Design details showing the connection with the existing City water system.
 - (iv) The specific location and size of all water service connections for each individual lot.
 - (v) Attendant documents containing any additional information required to evaluate the proposed water distribution system.
- (6) Wastewater Collection Systems:
 - (i) The layout, size and specific location of the existing and proposed wastewater lines, manholes, lift stations, and other related structures

sufficient to serve the land uses and development as identified in the Preliminary Plat phase, in accordance with all current City standards, specifications, and criteria for construction of wastewater systems.

- (ii) Plan and profile drawings for each line in public right-of-ways or public utility easements, showing existing ground level elevation at center line of pipe, pipe size and flow line elevation at all bends, drops, turns, and station numbers at fifty (50) foot intervals.
 - (iii) Design details for manholes and special structures. Flow line elevations shall be shown at every point where the line enters or leaves the manholes.
 - (iv) Detailed design for lift stations, package plants or other special wastewater structures.
 - (v) Attendant documents containing any additional information required to evaluate the proposed wastewater system, and complete an application for State Health Department approval.
- (7) Fill Material Storage. The location of the fill material pile, which must comply with Section 48 of this Ordinance.
 - (8) Street Lighting. The location, size, type and description of street lights according to City Standard Details and Specifications.
 - (9) Street Signs. The location, size, type and description of street signs according to City Standard Details and Specifications.
 - (10) Speed Limit Signs and Permanent Traffic Barricades. The location, size (where applicable), and type of speed limit signs and permanent traffic barricades according to City Standard Details and Specifications.
 - (11) Sidewalks. The location, size and type of sidewalks and pedestrian ramps according to City Standard Details and Specification.
 - (12) Improvements for Parks and other Public and Common Areas - as identified and/or approved on the Preliminary Plat.
 - (13) The location, size and description of all Significant Trees (to remain and to be removed), and Replacement Trees to meet the requirements of this Ordinance.
 - (14) Landscaping and Screening. The location, size and description of all landscaping and screening materials as required by the Composite Zoning Ordinance.
 - (15) Street Trees. The location and species of all proposed street trees on every street in accordance with all current City standards, specifications and criteria for the installation of street trees.
 - (16) Design Criteria. Final design criteria, reports, calculations, and all other related computations, if not previously submitted with the Preliminary Plat.
 - (17) Cost Estimates. A cost estimate of each required improvement, prepared, signed and sealed by a professional engineer licensed to practice in the State of Texas.
 - (18) Dry Utility Plan. A plan demonstrating the location of the proposed dry utilities.

- (19) Compliance with Phasing Plan. Verification that the construction plans are submitted in accordance with the phasing shown on the approved Phasing Plan and that all prior phases have been reviewed.
- (20) For Resubmittal Applications, in addition to containing the information and documents required by this subsection (c), a transmittal letter that describes how each reason for disapproval of the Construction Plans are being remedied or how each condition of a conditional approval is being satisfied, as applicable, and identifying the location in the Construction Plan application where each remedy or response to a condition can be found. The transmittal letter shall further identify whether any other changes to the application have been made other than those necessary to respond to the reasons for disapproval.

SECTION 19. Amendment of Article II, Section 23(e)(2). Section 23(e)(2) of the Subdivision Ordinance is hereby amended in its entirety to read as follows:

(2) If Construction Plans are approved, then the Director of Planning, City Engineer, Director of Public Works, Director of Parks and Recreation, and the Fire Marshal shall sign the cover sheet of the Construction Plans and a pre-construction meeting shall be scheduled. A construction plan permit shall be signed and issued during the pre-construction meeting after completion and acceptance by the City of the improvements for the prior phase of the subdivision. A signed copy of the plans shall be returned to the applicant and a copy shall be retained for City records.

SECTION 20. Amendment of Article II, Section 24(j). Article II, Section 24(j) of the Subdivision Ordinance is hereby amended in its entirety to read as follows:

(j) **Recordation.**

- (1) Prior to the recordation of the Final Plat:
 - (i) The Final Plat shall have been approved by the Commission and signed by the appropriate City officials pursuant to the provisions of this Ordinance.
 - (ii) Copies of any agreements required providing for the proper and continuous operation, maintenance, and supervision of any facilities that are of common use or benefit which cannot be satisfactorily maintained, or which have been rejected for operation and/or maintenance, by an existing public agency shall be executed.
- (2) City staff shall, upon determination that all provisions of this Ordinance have been satisfied, and all the above conditions have been met, obtain signatures certifying Final Plat approval by the Chairperson of the Commission, as attested to by the Commission Secretary.
- (3) Once the original Final Plat has been certified by the Chairperson of the Commission, City staff shall notify the developer that the original, signed Final Plat is ready to be recorded.

- (4) The City shall make arrangements to have the Final Plat filed for recordation at the developer's expense in the Official County Records at the appropriate county offices.
- (5) If the land area represented by the subdivision is located outside the corporate limits of the City on the date of its filing for recordation with the Official County Records, then it must be approved by the Commissioners Court of the County prior to recordation unless an agreement between the City and County stipulates differently. It shall be the responsibility of the developer to be familiar with the process, procedures, and requirements necessary to secure County approval. Such approval shall be evidenced by the signature of the statement of certification by the County Judge.
- (6) After the Plat is filed for recordation, the City shall obtain official scanned copies of the recorded final plat. The City shall not issue final address Plats or permits for lots within the subdivision until the Final Plat has been recorded, the developer has paid the county recordation fee, and the scan of the recorded plat is received.

SECTION 21. Amendment of Article II, Section 25(j). Article II, Section 25(j) of the Subdivision Ordinance is hereby amended in its entirety as follows:

- (j) **Responsibility.** Notwithstanding the approval of any Amended Plat by the Planning Director, the developer and the engineer that prepares and submits such Plats shall be and remain responsible for the adequacy of the design and nothing in this Ordinance shall be deemed or construed to relieve or waive the responsibility of the developer or his/her engineer for or with respect to any Plat submitted.

SECTION 22. Amendment of Article II, Section 26(c). Article II, Sections 26(c) of the Subdivision Ordinance are hereby amended in its entirety to read as follows:

- (c) **Content.** The content of the Short Form Final Plat shall correspond with the content for Final Plats as required by this Ordinance, except that:
 - (1) Construction Plans may not be required.
 - (2) The City may permit omission of any informational requirements that are determined by the City to place an excessive burden on the applicant, including, but not limited to contours, centerlines of existing watercourses, etc.
 - (3) The City shall require the following note on the Final Plat: This subdivision is subject to all general notes and restrictions appearing on the Plat of _____, Lot(s) _____, recorded at Instrument Number _____ of Plat Records of _____ County, Texas.

SECTION 23. Amendment of Article II, Section 26(d). Article II, Section 26(d) of the Subdivision Ordinance are hereby amended in its entirety to read as follows:

- (d) **Procedure.** The procedure for review and approval of a Short Form Final Plat shall follow the procedure for Final Plats, except that:

- (1) The Short Form Final Plat may be submitted without approval of a Concept Plan, Preliminary Plat or Construction Plans. The Plat, prepared by a surveyor, and engineer if required, and bearing their seals shall be submitted to the Commission for approval before recordation of the Plat.
- (2) Legible prints, as indicated on the application form shall be submitted at least thirty (30) days prior to the regular meeting of the Commission along with all information required by the most recent application/checklist and the following:
 - (i) Completed application forms and the payment of all required fees.
 - (ii) Copy of the deed restrictions or covenants, if such documents are to be used. These shall be filed for record in conjunction with the filing of the Plat.
 - (iii) Certification from all applicable taxing authorities that all taxes due on the property have been paid.
 - (iv) Notification materials as required herein.
 - (v) A petition requesting annexation, if applicable.
 - (vi) Any attendant documents needed to supplement the information provided on the Plat.

SECTION 24. Amendment of Article II, Section 28. Article II, Section 28 (g) (4) of the Subdivision Ordinance is hereby amended in its entirety to read as follows:

- (4) The City shall not accept dedications of required improvements, nor release or reduce a performance bond or other assurance, until such time it is determined that:
 - (i) All improvements have been satisfactorily completed.
 - (ii) Two (2) copies of record drawings have been submitted to and approved by the City Engineer, along with a statement prepared by a licensed professional engineer that all improvements have been installed and constructed in accordance with the submitted record drawings; provided that applicants subdividing property in the Wholesale Wastewater Service Areas shall submit three (3) copies of such record drawings.
 - (iii) Copies of all inspection reports, shop drawings and certified test results of construction materials have been submitted to and approved by the City Engineer.
 - (iv) Digital files containing computer generated drawings of all public improvements shown on the Construction Plans, and all lot lines shown on the Final Plat, have been submitted to the City Engineer to update City record drawings.
 - (v) One (1) Maintenance bonds meeting the requirements of this Ordinance have been provided.
 - (vi) An affidavit of all bills paid and a release of liens have been provided.
 - (vii) Any and all other requirements identified in the Final Plat process have been satisfied.
 - (viii) Digital file containing computer generated drawings of all public improvements shown on the Construction Plans, and all lot lines shown on the Final Plat, have been submitted to the City Engineer to update City record drawings.
 - (ix) A fiscal surety meeting the requirements of Section 48 (f), if required by that Section.

SECTION 25. Amendment of Article III, Section 46. Article II, Section 46 of the Subdivision Ordinance is hereby amended in its entirety to read as follows:

SECTION 46. EASEMENTS

- (a) The developer shall dedicate easements that allow approved lots within the subdivision to have access to all public utilities. Where necessary to adequately serve the addition or subdivision with public utilities, easements shall be dedicated for all public utilities including water lines, reuse water lines, wastewater lines, and stormwater drainage facilities and associated appurtenances. Such easements shall be provided as deemed necessary by the Commission. Easements shall be dedicated according to the requirements delineated in the application and checklists.
- (b) All existing and proposed easements, safety lanes, and rights-of-way shall be clearly indicated on the Plat or Plan, as well as an indication to the use of each easement or right-of-way.
- (c) No permanent structure may be placed in or over any easement or right-of-way except a structure whose use and location are necessary to the designated use of the right-of-way or easement or which otherwise will not affect the use, maintenance or repair of such easement.
- (d) The width and alignment of all easements or rights-of-way to be dedicated shall be determined by the City Engineer, any applicable utility provider and the Commission, and approved by the Commission, and shall be accompanied by a notarized statement of dedication on the Plat. Such easements shall, at a minimum, include a ten-foot public utility easement dedicated immediately adjacent to all street rights-of-way.
- (e) Easements shall be established and dedicated for all public utility and drainage appurtenances, including common access areas, and other public uses requiring dedication of property rights.
- (f) In so far as practicable, easements shall not be centered on a property line, but shall be located entirely on one (1) side of a lot.
- (g) The City Manager is authorized to sign approval and acceptance of easements granted outside of the subdivision platting process that have been reviewed and approved by the City Engineer and that are granted using a form substantially similar to the form approved by the City Attorney.

SECTION 26. Amendment of Article III, Section 49. Article III, Section 49 of the Subdivision Ordinance is hereby amended to add subsection (c) as follows and renumber the remainder of the section accordingly:

- (c) In no case shall the Buffer Zones be less restrictive than the 100 year floodplain as depicted from the best available base floodplain model to date using the rainfall data as approved by the City as part of the plan review process.
Any revision to the base hydraulic model must be supported with adequate data/information; and must be discussed with city engineering staff. Such floodplain analysis shall be approved by the city as part of the plan review process.
In case the latest hydraulic model is not available, the city's floodplain administrator

shall approve any proposed method for the determination of special flood hazard area boundaries. The floodplain analysis and modelling for such method shall be submitted, reviewed and approved as part of the plan review process.

SECTION 27. Conflicting Ordinances. Exhibit "A", Article 10.02, Leander Code of Ordinances is amended as provided herein. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.

SECTION 28. Savings Clause. All rights and remedies of the City of Leander are expressly saved as to any and all violations of the provisions of any ordinances affecting subdivision within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 29. Effective Date. After its passage of this Ordinance in accordance with the provisions of the Tex. Loc. Gov't. Code and the City Charter.

SECTION 30. Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 31. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on the 6th day of January, 2022.

ATTEST:

Dara Crabtree

Dara Crabtree, City Secretary

THE CITY OF LEANDER, TEXAS

C. DeLisle
Christine DeLisle, Mayor



AN ORDINANCE OF THE CITY OF LEANDER, TEXAS

ORDINANCE NO. 22-006-00

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES BY ADDING ARTICLE 13.12 ENTITLED “DEVELOPMENT PHASING”; REQUIRING A DEVELOPMENT PHASING PLAN TO BE APPROVED BEFORE A SUBDIVISION CONCEPT PLAN CAN BE APPROVED; ESTABLISHING REQUIREMENTS FOR DEVELOPMENT PHASING PLANS; PROVIDING AN APPROVAL PROCESS; AMENDING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING EFFECTIVE DATE AND OPEN MEETINGS CLAUSES.

WHEREAS, the City of Leander, Texas, a home rule municipality (the “City”) owns and operates a municipal water utility and is a member of the Brushy Creek Regional Utility Authority;

WHEREAS, the current water treatment capacity of the City’s water system is 25 MGD;

WHEREAS, the City has experienced unprecedented growth rates and growth is projected to continue at a high rate;

WHEREAS, the City and the BCRUA have several major capital improvement projects planned or in progress, which are projected to be completed over the course of the next eight years, which will increase the capacity of the City’s water system to 44 MGD;

WHEREAS, given the rate of growth and the timing of construction of the water infrastructure projects, the City finds that it is reasonable and necessary to adopt regulations that assist the City with tracking and managing the number of LUE’s added to the water system in the years leading up to completion of the water infrastructure projects, to ensure that growth does not exceed the water system capacity and that the City is able to meet peak demands during periods of high water usage;

WHEREAS, the City is authorized under its home rule authority, its general police powers, and Sections 551.007 and 552.001, Texas Local Government Code to adopt the regulations set forth in this Ordinance; and

WHEREAS, the City Council finds the regulations set forth herein to be reasonable and necessary to ensure the adequate provision of water to current and future customers in accordance with the City’s ordinance and applicable law;

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

Section 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council hereby further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety and quality of life.

Section 2. Phasing Plan Required. Chapter 13, City of Leander Code of Ordinances, is hereby amended to add Article 13.12, entitled “Development Phasing Plan” to read as follows:

ARTICLE 13.12. DEVELOPMENT PHASING PLAN

Sec. 13.12.001. Purpose.

- (a) The purpose of this Article is to ensure that growth occurs in an orderly and planned manner that allows the City to manage the number of living unit equivalents added to the water system in the years leading up to completion of several major water infrastructure projects, to ensure that growth does not exceed the water system capacity, that the City is able to meet peak demands during periods of high water usage, and that the City’s water system continues to be able to serve existing and future customers during expansion of the water system.
- (b) The City Council shall review this Article at least annually, and after completion of the Phase 2A of the Brushy Creek Regional Water Treatment Plant, which is projected to be completed in 2027, to determine whether this Article should be modified or repealed.

Sec. 13.12.002. Development Phasing Plan Required.

A Development Phasing Plan is required for any subdivision within the city limits and extraterritorial jurisdiction that includes more than thirty (30) lots or units. The Development Phasing Plan for the subdivision must be approved by the City Council before a subdivision concept plan will be approved.

Sec. 13.12.003. Approval Procedure.

- (a) Persons wishing to obtain approval of a subdivision that includes more than thirty (30) lots or units shall submit a proposed Development Phasing Plan to the with the Concept Plan Application.
- (b) The Development Phasing Plan shall comply with the following requirements and shall be in the form required by the City:
 - (1) The Development Phasing Plan shall contain timeframes in compliance with the term of the concept plan.
 - (2) Phases shall be provided in sequential order and include any proposed subsections.
 - (3) Each phase shall illustrate the property to be included in a specific phase, and

the number of LUE's that will be served by the City's water system in each phase. The phases shall include all required infrastructure and drainage facilities to support the phase without the development of the entire subdivision, and infrastructure for each phase shall fully serve each phase.

- (4) Phases shall not create remnant tracts less than five (5) acres in size.
- (c) The Planning Department will cause the Development Phasing Plan to be reviewed by appropriate City departments, including the City Engineer, in accordance with criteria established by the Planning Director and the City Engineer. Applications will be reviewed in accordance with the submittal and review schedule prepared by the planning director and approved by the planning commission. Incomplete Development Phasing Plans will be rejected with a comment letter identifying the deficiencies.
- (d) After completion of staff review, the Planning Director and the City Engineer will approve, deny, or recommend modifications to the Development Phasing Plan.
- (e) A person aggrieved by a decision made by the Planning Director and City Engineer under this Section may appeal the decisions to the City Council by submitting a written request for appeal and setting forth the basis for the appeal within fourteen (14) calendar days of the date of the decision.

Sec. 13.12.004. Compliance with Proposed Phasing Plan.

A subdivision shall be constructed in compliance with the sequencing set forth in the Development Phasing Plan. If an applicant applies for a Preliminary Plat for less than the entire property shown in the Concept Plan, the Preliminary Plat for each phase may not be reviewed concurrently, must be submitted in the order shown on the approved Phasing Plan, and review of the Preliminary Plat for a particular phase must be completed and scheduled for Commission approval before a subsequent phase may be submitted for review. In addition, and the Preliminary Plat applications must contain the property shown in each phase of the approved Development Phasing Plan. Construction Plans for each phase shall be submitted in accordance with the phasing shown on the approved Phasing Plan, may not be reviewed concurrently, and must be submitted in the order shown on the approved Development Phasing Plan. The infrastructure in an approved Construction Plan for a particular phase set must be completed and accepted by the City before the applicant may commence construction a subsequent phase of the subdivision.

Sec. 13.12.005. Amendment of Phasing Plan.

An approved Development Phasing Plan may be amended by submission of a proposed amended Development Phasing Plan using the process set forth in Section 13.12.002.

Section 4. Amendment of Conflicting Ordinances. All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency or conflict.

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

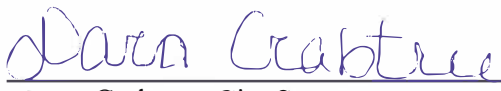
Section 6. Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or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

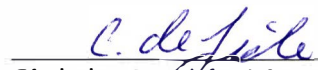
Section 7. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on the 6th day of January, 2022.

ATTEST:

CITY OF LEANDER, TEXAS


Dara Crabtree, City Secretary


Christine DeLisle, Mayor





EXECUTIVE SUMMARY 1/2/2025

AGENDA SUBJECT:

Discuss and consider action on a proposal with Policy Confluence, Inc. (Polco) to develop, implement and analyze a city-wide community survey through the National Community Survey (NCS) for the City of Leander in the amount of \$40,500.00; and authorize the City Manager to execute any and all necessary documents.

BACKGROUND:

Staff has engaged Policy Confluence, Inc. (Polco) to discuss the process for developing, implementing, and analyzing a community survey for the City of Leander. Polco specializes in civic engagement and data-driven governance solutions, having worked with cities across the United States on implementing community surveys and analyzing the results in comparison to benchmark data. Polco has recently worked with the cities of Cedar Park, Flower Mound, Farmers Branch, Celina, and others in Texas. Polco offers a platform providing robust data visualizations that give a full picture of a community while centralizing and streamlining community input efforts.

Polco administers the National Community Survey (NCS) for cities which includes standardized survey questions to evaluate a community's livability including safety; mobility; community design; inclusivity and engagement; health and wellness; economy; utilities; parks and recreation; natural environment; and education, arts and culture. The NCS also allows for custom survey questions and offers over 6,500 language translations. The NCS is used to evaluate services, enhance communication, measure quality of life, build public trust, plan capital investments, inform budgeting, monitor performance, and support strategic planning.

The timeline for developing and administering the NCS typically takes about 16 to 20 weeks depending on reviewing the survey and language translations. Polco recommends conducting the NCS every two years to measure various impacts and identify changes within the community from any actions taken as a result from the NCS results.

For fiscal year 2025, the City budgeted \$35,000.00 for a citizen survey. The total cost for Polco to administer the National Community Survey (NCS) with add-on features and services is \$40,500.00.

HISTORY/TIMELINE:

APPLICANT/AGENT:

RECOMMENDATION:

Staff recommends approving the proposal by Polco to develop and implement the National Community Survey (NCS). Staff is also seeking direction from City Council regarding customizing survey questions and any other requests for the community survey.

PRESENTER:

	<u>Fiscal Impact</u>
<u>Amount requested:</u>	\$40,500
<u>Approved in current budget (Yes / No):</u>	Yes
<u>Expenditure (New / Amended):</u>	New
<u>Recurring or one-time:</u>	Two-Year Cost
<u>Fund source (Operating / Utility / etc.):</u>	General Fund Operating

Attachments:

1. Leander, TX NCS Polco Proposal
2. Community Survey Presentation
3. Sample Community Survey - City of Frisco TX



Multiply your capacity to imbue data-driven decision-making across your organization with Polco's suite of scientific surveys, data dashboards, unique engagement solutions, and artificial intelligence.

Prepared on

December 12th 2024

Expires on

January 12th, 2025

Proposed Start Date

January, 1st 2025

Prepared by

Sam Mathias

sam.mathias@polco.us

(303) 625-6969

Policy Confluence, Inc. (Polco)

1241 John Q. Hammons Dr, #203

Madison, WI 53717

polco.us

Executive Summary

Polco is a trusted leader in civic engagement and data-driven governance solutions, offering tools to help communities like The City of Leander understand their residents better, make informed decisions, and improve public trust. Our platform provides robust data visualizations that give you a full picture of your community while centralizing and streamlining community input efforts. These visualizations are fed by hundreds of data points from both constituent input and a multitude of publicly available sources. All this data is curated through advanced weighting, benchmarking, and analytics. The visualizations and analytics are extensive and our AI-driven tool, Polly, lets you easily explore your community's data and garner insights on specific topics.

Polco Overview

Our Story

Polco was founded in 2015 by former public servants who, after working at top tech companies (Google and Amazon), returned to the public sector with a mission to improve government performance through better civic engagement (crowdsourcing collective intelligence) and better use of civic input data, data in general, and analytics via artificial intelligence (AI).

In 2019 Polco acquired the **National Research Center** (NRC), the largest provider of standardized scientific local government surveys in the country who had amassed a local government performance data set of thousands of communities over 20 years. NRC's founders and key leaders are still with Polco doing advanced data science and survey science. Polco, now together with NRC, is working with more communities and growing faster than either was previously.

In 2021, Polco co-founded **GPAL** along with University of Wisconsin Madison and Stanford. GPAL is a government performance data and analytics consortium that brings together not only Polco and NRC historical survey data but also virtually every other public sector data relevant set into a cleaned, appended, monthly refreshed, cloud-based data warehouse. The breadth and depth of that data can make more confident predictions of community trajectories earlier, and, for the first time ever, begin to isolate the impacts of a variety of policies, programs, and other factors on government performance in order to answer seminal questions that have been elusive to the sector for decades, and in some cases centuries.

In 2022 Polco acquired **Balancing Act**, the developer of simulation-based engagement technology. Beyond traditional surveys and polls, Balancing Act simulations present constituents the actual tradeoffs their governments face when developing balanced budgets, housing plans, carbon plans, and more. BA also uses budget data to provide taxpayers their taxpayer receipts.

In 2023, Polco began development of **Polly**, a secure LLM-agnostic multi-agent RAG AI infrastructure to accelerate the breadth, depth, speed, and ease with which Polco could deliver data, analytics, reports, and other critical government workflow elements to public employees.

Polco's mission remains the same: bring communities together around their most important issues through informative transparent engaging communications, use that and other data together in concert to help leaders make great data-informed decisions, and thereby demonstrate great outcomes, accountable governance, build trust, re-energize civic agency, and improve constituent quality of life. The Polco team feels extremely fortunate to have made good progress on this mission, but also feels there's a lot of work ahead left to do. The team is honored to do it.



Proof of Success

- [How Pinellas County Made Strategic Planning Simple](#): **Pinellas County, FL** needed better data to inform strategic plan decisions, evaluate impact, and adjust course when needed. But finding the right data points is complicated and time-consuming. By using Polco's **Track module** to access impact-based measurements, the County was able to produce a strategic, more agile plan in about half the time as usual.
- [How Cape Coral's Incentive Program Helped Boost It's Local Economy](#): **Cape Coral, FL**—By using Polco's **National Community Survey** Cape Coral identified their Economy as the most important priority. By launching the Cape Competes Grant and Incentive program, NCS results showed an economic health increase of 14% between 2019-2021. In the same time frame, the quality of businesses and establishments increased by 21% and economic development increased by 13%.
- [How Elk Grove Improves Services With a Data-Driven Mindset](#)
Elk Grove places high value on data-driven decision-making. With that mindset, the City launched a Performance Indicator Program to collect data points across departments that paint a picture of Elk Grove's operations and how they impact the community.

Communities in Texas we work with include, [Fate](#), [Flower Mound](#), Bastrop, Fort Worth, Farmers Branch, Austin, Celina, and many more!

Polco is proud to be in partnership with:



Our Team

A veteran-led GovTech company, Polco provides advanced engagement and analytics solutions that unite governments and constituents for stronger, better-trusted communities. Our industry-leading surveys, government performance data, analytics, and interactive simulations engage residents and provide government leaders with clear insights that inform, help prioritize decisions, and build trust in their communities. Our team has deep roots in data science, public opinion research, and AI. We create analytics, dashboards, models of community livability and metrics for government performance. Below are a few of the people who are key to our organization and our engagement with you.



Nick Mastronardi, PhD, CEO: Nick Mastronardi is the Founder and CEO of Polco. Prior to Polco, he served as a Senior Economist at Amazon and in the same role on the President's Council of Economic Advisers in the White House. Nick earned his Ph.D. in Economics from the University of Texas at Austin, spent 10 years as an active duty Air Force officer, including as faculty at the Air Force Academy. Dedicated to helping cities advance public participation and implement data-driven decision making, Nick combines academic rigor with practical expertise across entrepreneurship, public service, and economic policy.



Sonya Wytinck, COO, Sonya has a Masters Degree in Economics and a strong interest in what communities can do to best support residents. She has 25 years' experience conducting and leading teams to implement survey research, needs assessments, project, program and policy evaluations and data analytics for local governments, special districts and state and federal agencies. She has led multi-year, multi-jurisdictional, national and international research projects, ensuring all the complex pieces are planned and executed to ensure the final reports produce the outcomes that move her clients forward.



Chris Adams, Executive Strategist, Chris Adams is a strategic innovator and thought leader in the field of public engagement software. Chris has worked in public policy and facilitation for more than 25 years, focusing on health and healthcare, but he has also supported policy development in education and natural resources. As founder of Balancing Act, Chris and the brand joined Polco in 2023. Before founding Balancing Act, Adams was director of The Center for Ethics and Social Policy. Adams is the former president of the board of Denver Urban Gardens, a network of more than 100 community gardens. He is a graduate of Yale University and the University of Colorado.



Michelle Kobayashi, Principal Research Strategist, Michelle is a thought leader in the field of research and evaluation, and has written numerous books and articles on the subject. As a community survey expert with experience working in local government, she travels the country to speak professionally and lead workshops about resident surveys, performance measurement, strategic planning and more. Kobayashi has led the innovation efforts of the National Research Center for 25 years, and keeps Polco / NRC at the cutting edge of the govtech industry.



Tobin McKearin, PhD, VP, Data Science: Tobin is a strategic and people-focused leader, complex problem solver, economist, and combat pilot. He is a career Air Force officer with extensive leadership experience in data analysis, risk management, project management, and process improvement. He has sixteen years of experience in predictive modeling, statistical forecasting and providing data-driven advice for senior leaders, including the President of the United States.



Brandon Barnett (Senior Survey Associate) Brandon has managed dozens of customer-facing projects. He regularly consults with Cities and Counties to implement assessment to understand the needs of their communities, employees and other stakeholders. He has created custom surveys, led benchmark projects and was the project manager for Virginia's state-wide implementation of the Community Assessment Survey of Older Adults. He enjoys working closely with clients to understand their data needs and give them the tools to ensure they can make data-driven decisions. Internally, he works with colleagues across teams to bring the voice of customers to product development..



Grace Arneson (Senior Survey Associate) Grace has assisted dozens of Cities and Counties in meeting their research needs. She is an expert in implementing our benchmark surveys to help our clients assess needs, get input for strategic decision-making, and measure/track performance. She takes pride in working with clients to amplify the voice of the resident in the policy lifecycle and help connect government leaders with their community members. Grace's skill is such that she is also relied on to coordinate training for her colleagues to ensure quality and to develop onboarding processes to optimize client outcomes.

Customer Proposal

The City of Leander is interested in running The **National Community Survey**, along with taking advantage of **Polco's Track Module, Engage Module, and AI** to help encode data-driven decision-making into its organization.

The National Community Survey™ (The NCS™)

Survey design: The NCS contains a base of core questions that asks respondents about a wide variety of topics: the overall focus is on community livability, so questions relate to the characteristics of the community that contribute to quality of life, the quality of local services, government performance and public trust, and residents' experiences and engagement in community life. This survey product's standardization level makes it possible to provide benchmark comparisons for each standard question.



The NCS is used to:

- Evaluate services
- Enhance communication
- Measure quality of life
- Build public trust
- Plan capital investments
- Inform budgeting
- Monitor performance
- Support strategic planning

In addition to broad aspects of quality of life and governance, The NCS covers an additional 10 key facets of community livability:

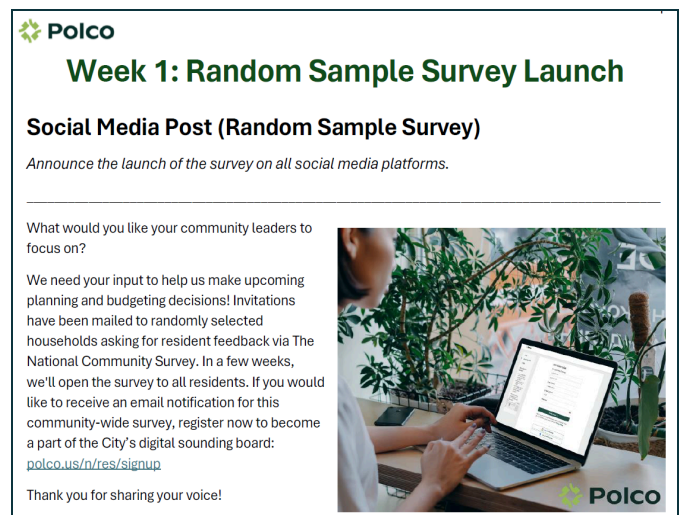


Statistically Sampled Distribution: A representative sample of residents will be invited to complete the survey to ensure statistically valid results. We will use statistically appropriate methodologies to garner community-wide representativeness with a 4-6% margin of error. The invitations will contain an introduction outlining the importance of the survey, a URL and QR code, and instructions for completing it. The mailed invitations also include a phone number and email address for residents who have questions about the survey. To support and supplement this effort, the city will be asked to participate in outreach efforts, with ample guidance and support on best practices from Polco.

We plan to randomly select **3000** households and send them one postcard invitation to an online survey, followed a week later by a paper survey with a postage-paid reply envelope.

We will work with you to optimize your outreach plan, combining our experience with your knowledge of your residents and their needs (e.g., comfort with and access to technology and level of English literacy). Polco also provides you with a wealth of resources for community outreach, including template social media posts and press releases (see example to the right) to promote and lend legitimacy to your outreach efforts, as well as detailed FAQs to inform your residents about the survey. Hosted on Polco, the online survey will be programmed on your branded profile (using your logo) where you will be able to build a panel of respondent subscribers for continued engagement.

Full Community Distribution: As a best practice, we recommend that the survey also be made available to all adults in the community. A few weeks after randomly selected households receive the mailed survey invitations, we provide another URL for a community-wide, “open participation” version of the survey for the city to post and publicize to encourage maximum participation. This survey is identical to the random sample survey and the data from the two surveys are stored separately until analysis begins. In most cases, we combine the data from the two outreach efforts and use statistical processes to blend and weight them to be representative of the community as a whole. The combination of data from the two efforts can enhance inclusion, especially when the open participation outreach is broadly executed. Note that in the rare cases where, on review, results from the open participation survey seem improperly skewed, we do not blend the data.



A strength of Polco is the ability to turn what would otherwise be one-off respondents into a “panel” of residents for continued engagement. To take advantage of this feature, residents are either asked to opt in or, alternatively, required to register on Polco. In the first scenario, the resident completes the survey and after submitting, is given an option to provide an email address and zip code for continued engagement. In the second scenario, residents must provide their email and zip code before being able to submit their completed survey. You may choose whether or not to require registration, but we recommend doing so in order to build a robust panel of residents for future engagement. Once registered on Polco, residents are matched to voter files for additional verification (about 70% of respondents), and any demographic information they provide is retained in their data file. This allows you to understand and improve the representativeness of your panel and to compare the results from future surveys and polls by demographic subgroups. Polco’s structure ensures the privacy and confidentiality of respondents in all reporting, and respondents can easily access our privacy policy online.

City Responsibilities

While Polco will do most of the heavy lifting to design and execute the approach and methodology described in this proposal, the following would be Leander’s responsibilities:

- 1) Provide a main point of contact for Polco to work with on the survey logistics.
- 2) If custom questions have been selected as an add-on, provide input on the custom questions to be added to the survey. (Polco recommends that the City consider not adding custom questions to The NCS to minimize respondent burden; as additional questions may be asked in a separate, follow-up survey on Polco but we realize it can be important to include timely policy questions.)
- 3) Provide feedback on drafts of outreach materials and the survey and give final approval.
- 4) Provide necessary files for customizing the survey materials (e.g., logos, electronic signature) as well as GIS files for the overall city boundaries and any geographic subareas to be tracked, if applicable.
- 5) Using Polco’s Outreach Kit, publicize the survey to verify the legitimacy of the effort, confirm its importance, and maximize response, particularly for the community-wide open participation survey.
- 6) Provide feedback and final approval on reporting and the presentation slide deck, if a presentation of results is selected as an add-on.

Analysis and Reporting of Survey Results

The first step in preparing the resident data for analysis is to “weight” the data to reflect the demographic profile of the residents of the community. Weighting is a best practice in survey

research to adjust for potential non-response bias and to ensure that the demographic characteristics of the survey respondents mirror the overall population. In general, residents with certain characteristics (for example, those who are older or who are homeowners) are more likely to participate in surveying. Weighting allows us to increase or decrease the magnitude of each respondent's ratings to mimic as closely as possible the demographic profile of the community as described by U.S. Census and American Community Survey (ACS) data. The weighting variables used in this process are derived from demographic questions required on the survey. Additionally, Polco has extensive experience with complex weighting schemes when necessary (e.g. adjusting for specific geographic subareas, demographic subgroups, and/or blended datasets).

Data for The NCS is analyzed using R, Python, and Tableau. We believe that analysis must be replicable and leave a clear path. To this end, we retain the syntax/code available for audit and reuse in future years. We use various analysis techniques that best suit each specific project and question.

Our dynamic, interactive online reporting for The NCS is delivered to you in Tableau Public as well as printable PDF format. The body of the report is organized around the 10 facets of community livability, ensuring results are clear and easy to interpret. Additionally, the Tableau report includes an interactive dashboard to easily see results, benchmarks, and crosstabulations all in one place, as well as written key findings and data visualizations for all survey questions. The report also includes full frequencies of results, interactive charts that show crosstabulations by geographic area (if applicable) and respondent characteristics. The data and reports will undergo a thorough quality assurance review. This will ensure the data analyses are correct and staff, the media, and the public will trust the results.

Reports and presentations must serve staff and council members, appointed boards and commissions as well as the lay public and must be documents that the media can understand and find robust should they wish to press their credibility. These are challenges we accept enthusiastically. Reporting is online on Polco. This allows for interactive displays of your survey results for ease of exploring and sharing.

The reports include easy-to-understand overviews of results overall and for each facet of community livability along with an explanation of methods. Additionally, we provide a full set of responses to each survey question and interactive charts that show cross-tabulations by geographic area and respondent characteristics, as well as comparisons of results against national and regional benchmarks. Most aspects of the reports can also be downloaded in PDF form, however, the crosstabulations are extensive and best explored online.

Language Translation

Polco can meet all your survey translation needs. Although our surveys are most commonly translated into Spanish, we can create surveys in over 6,500 languages. Translating a survey into languages the community needs allows local government leaders to hear as many voices as possible. Providing surveys in multiple languages makes survey results more inclusive of those

who do not speak English and whose opinions may differ on various questions. To create surveys in languages other than English, we will need to know which languages are being considered so we can provide an accurate estimate for the cost of translation. Then we will coordinate and disseminate the survey on your behalf. We also include instructions and cover letters written in the selected languages, so respondents know how to access the survey (usually available online). We also track how many surveys were responded to in each language.

Benchmarking

Polco conducts and collects the most current resident surveys from jurisdictions across the country; we have the largest database of comparative resident opinions of any firm, containing over 500 comparison communities across the nation. The NCS always includes comparisons to the entire national benchmark database. Should the City wish to add optional custom benchmark sets, Polco's benchmark database contains communities that range widely in size, location, and other features, so we can easily create benchmarks to make comparisons to the entire nation or a subset, such as all jurisdictions in a region or population range among other factors.

Presentation of Results

We believe in making results interesting and straightforward in our presentations. Our presentations are attractive and visually intuitive; typically, 20-30 minutes in length. We recommend having 15-30 minutes following the presentation portion for questions, depending on your preferences. We can provide a deck for you to use on your own or we can have a Polco expert present the result via remote or in-person presentation. Whether presenting to staff or council, the credibility of the presentation rests as much on the response to questions from the audience as on the summary of the slides. This is where the benefit of the reputation, education, and experience of the Polco team will be especially helpful in providing you the credibility and trust that top-level managers expect.

Investment for Two Years:

✓	The National Community Survey (24-Month Cadence)	\$23,000.00
	Optional Add-Ons	
✓	½ page of custom questions	\$3,000.00
✓	Spanish Language Translation	Incl'd
	Additional Language Translation	\$3,000.00
✓	Custom Benchmarking (Median-Household Income)	Incl'd
	Custom Benchmarking (Additional)	\$1,500.00
✓	Remote Presentation of Results	\$3,000.00
	Additional Service	
✓	Track Module and Polco AI	\$4,000.00/yr
✓	Engage Module	\$3,000.00/yr
Estimated Yearly Investment for Two Years		23,000.00/yr

Contact Information:



Proposer: Sam Mathias, Account Executive

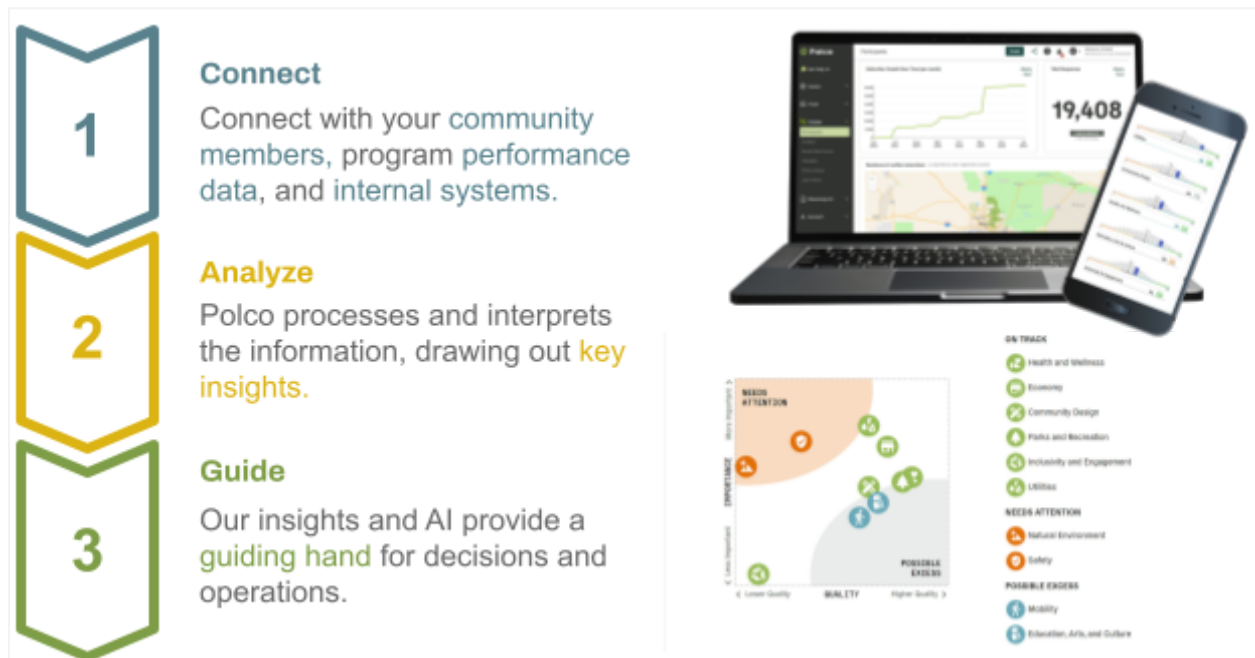
Phone: (303) 625-6969

Email: sam.mathias@polco.us

At Polco, we make it easier to build stronger, healthier communities by providing data-driven insights and AI-powered guidance for decision-making and operations. Our platform is designed for local governments, school districts, state agencies, and other public sector organizations to connect with residents and stakeholders, analyze performance data, and guide decisions.

Polco's Approach

To promote smooth operations, faster decisions, and more effective outcomes.



Why Polco?

Technology to make your job easier and your community better

Communities today face increasing pressure to do more with fewer resources, especially in regions where relationships with residents may be strained. Polco empowers community leaders with the data and tools they need to tackle these challenges with confidence.

- **Holistic Understanding:** Gain insights into your community, with resident feedback and performance metrics.
- **Actionable Data:** Move from identifying resident needs to applying for grants or updating strategic plans in just minutes.
- **Trusted Partner:** Polco is used in over 400 communities, with decades of regularly contributing to thought leadership in the governance space, through research, webinars and courses, industry presentations, and more.

Connecting with Your Community

Use Polco's software to connect with your community members, program performance data, and internal systems.

Assess - Statistically Sampled Benchmark Surveys

The National Community Survey® (The NCS)



Captures residents' views on facets of community livability, supporting informed decision-making and performance measurement.

Community Assessment Survey for Older Adults® (CASOA)



Focuses on the needs of older adults, covering housing, transportation, healthcare, and social services.

The National Employee Survey® (The NES)



Measures government employee satisfaction and engagement to enhance organizational culture.

The National Business Survey® (The NBS)



Gathers business insights on the local environment, employment, and community amenities, helping improve economic vitality.

The National Law Enforcement Survey®



(The NLES) Assesses public perceptions of safety and community policing to improve law enforcement practices.

The National Employee Survey for Law Enforcement (The NESLE)



Measures law enforcement employee satisfaction, morale, and organizational culture.

1

Engage - Resident Input and Communication



Budget Simulation

Engages residents in the budget process to foster transparency and understanding of government finances



Taxpayer Receipt

Detailed tax breakdowns for fiscal transparency and resident understanding of what their tax dollars paid for



Survey

Customizable surveys with multiple options for structure and question formats



Prioritize

Presents detailed options for residents to rank community projects or policies, providing valuable insight into priorities



Content Post

Integrates data and narratives With multimedia to give context and share requests and results with residents



Poll

For time-sensitive feedback on specific local issues, with commenting feature for additional context



Housing Simulation

Allows residents to interactively participate in housing planning decisions



Polco Library

A resource hub with best practices and hundreds of ready-to-implement topical surveys for pressing issues



Live Event

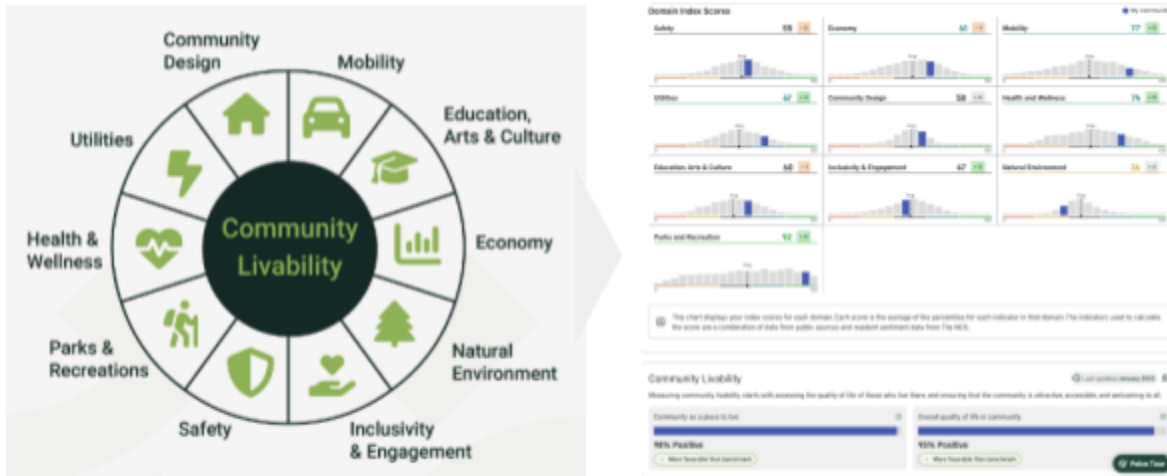
Real-time polls during online or in-person events to gather immediate input

1

Connecting with your Data

Out-of-the-box Performance Evaluation

Organized by ten facets of community livability our **Track - Data Dashboards** provide a holistic view of a community's well-being through hundreds of data points with trends and benchmark comparisons



Systems Integration

Bring data to your processes

- Budgets
- Planning
- Outreach
- Grant applications
- Registration
- Utilities
- Payments



1

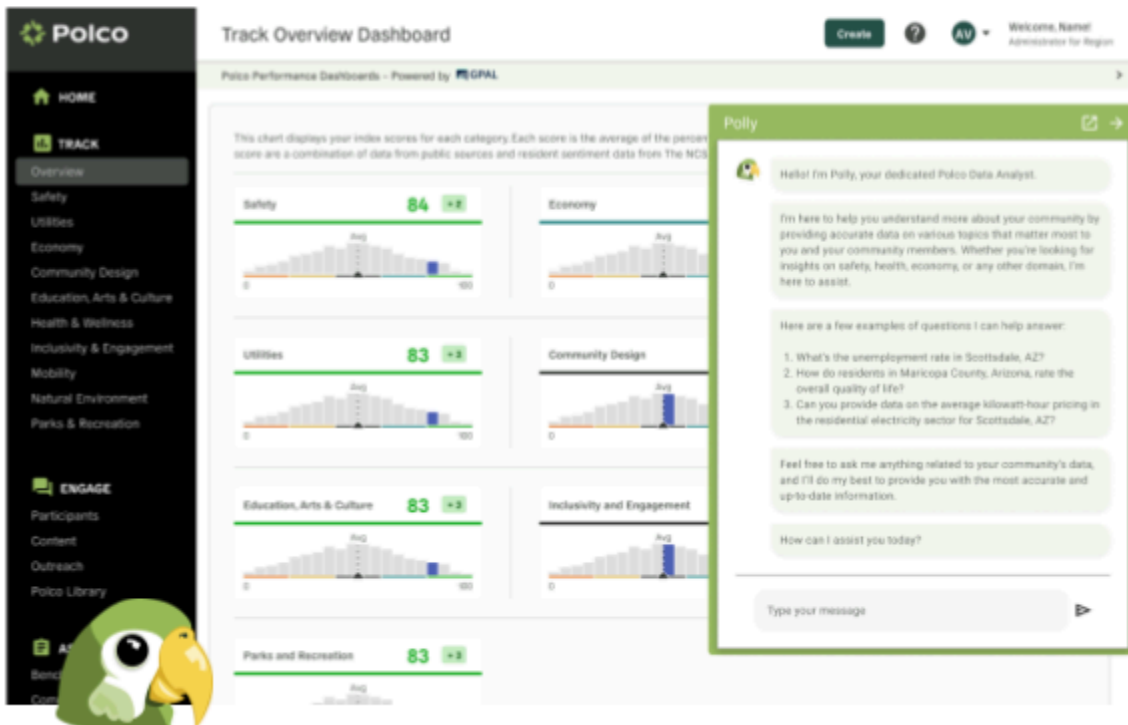
Guide

Our AI is designed to be a guiding hand for your decisions and operations, working with you to help establish priorities, apply for grants, draft strategic plans, build community engagement strategies, or anything in between.

Polly AI



Polly AI is Polco's advanced AI framework, providing community leaders with tailored recommendations across various governance domains. It integrates well with Polco's tools to support strategic planning, community engagement, and grant writing, and much more.



Not only able to answer critical questions, our AI can draft grant applications and strategic plans, learn to perform advanced analysis on your data, and much more.

Where do we do better and worse than the national benchmark?

What were the City of ABC's highest and lowest ratings from The NCS in 2024?

What data can you provide on natural environment in my City?

What data can support a grant application for parks funding?

?

Does our data show disparities by income level?

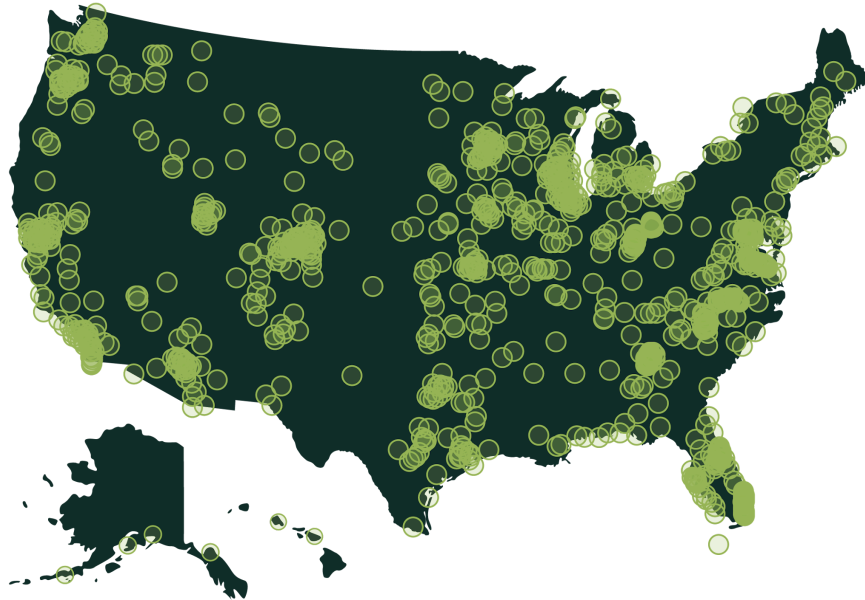
Create a short summary of our economic outlook to be used in a press release.

What key areas should the City focus on for writing our Strategic plan?

How can we maximize resident participation in surveys and polls?

Community Success

Polco is trusted by over 400 communities, ranging from large cities and states to organizations serving under 1,000 people. Whether you're applying for grants, designing a new park, or improving workforce development, Polco can guide you every step of the way.





Leander Community Survey

National Community Survey (NCS)

- Reports on the livability of Leander
 - *A livable community is a place that is not simply habitable, but that is desirable.*
- Evaluates satisfaction of residents and how they experience lifestyle element
- Results used to:
 - Evaluate services
 - Enhance communication
 - Measure quality of life
 - Build public trust
 - Plan capital investments
 - Inform budgeting
 - Monitor performance
 - Support strategic planning

Model of Community Livability



Policy Confluence, Inc. (Polco)

- Leader in civic engagement and data-driven governance solutions
- Offers tool to help communities understand their residents better, make informed decision, and improve public trust
- Platform provides robust data visualizations that give you a full picture of the community while centralizing and streamlining community input efforts

Survey Methodology

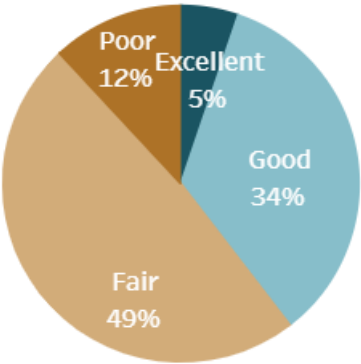
- Statistically Sampled Distribution – 3,000 households randomly selected
- Full Community Distribution – open participation
- Standardized NCS questions and custom questions
- Language translations
- Benchmarking
- Analysis of results
- Track and engage

Sample Survey

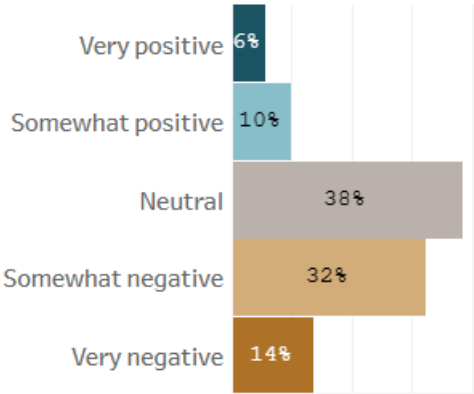
Economy

Local governments work together with private and nonprofit businesses, and with the community at large, to foster sustainable growth, create jobs, and promote a thriving local economy.

Overall economic health of San Marcos



What impact, if any, do you think the economy will have on your family income in the next 6 months? Do you think the impact will be:



Please rate each of the following aspects of quality of life in San Marcos.
(% excellent or good)

		vs. benchmark*
San Marcos as a place to visit	73%	Similar
San Marcos as a place to work	46%	Lower

Sample Survey

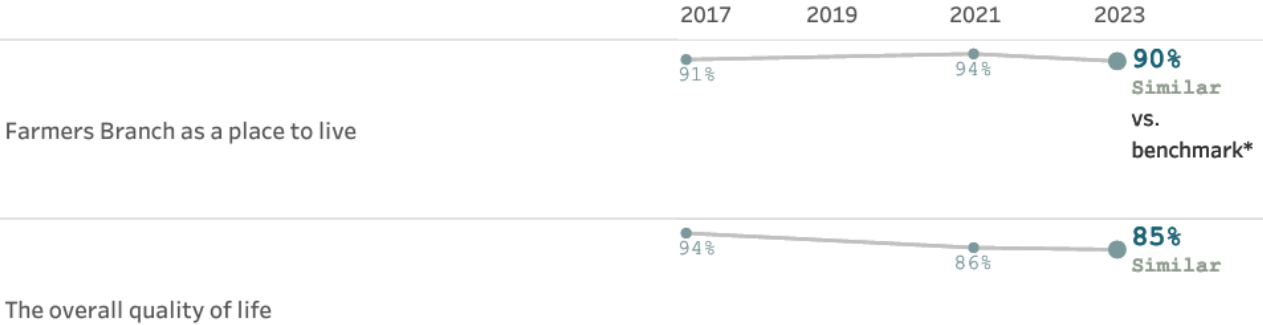
Quality of life

Measuring community livability starts with assessing the quality of life of those who live there, and ensuring that the community is attractive, accessible, and welcoming to all.

The overall quality of life in Farmers Branch, 2023



Please rate each of the following aspects of quality of life in Farmers Branch.
(% excellent or good)

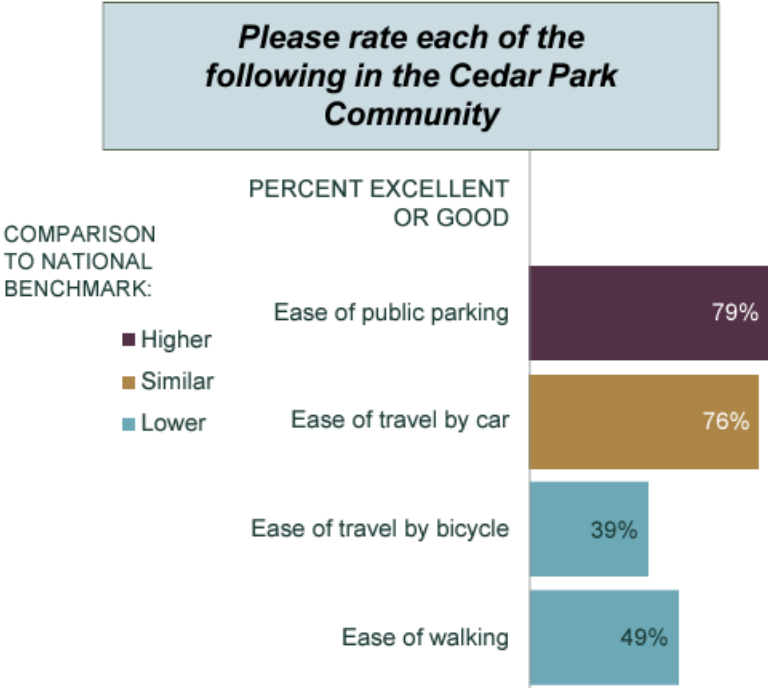


Sample Survey

Mobility in Cedar Park



Overall quality of the transportation system in Cedar Park, 2023



Total Cost

National Community Survey (24-month cadence)	\$23,000
Optional Add-Ons:	
1/2 page of custom questions	\$3,000
Spanish language translation	Included
Additional language translation	\$3,000
Custom benchmarking (median-household income)	Included
Custom benchmarking (additional)	\$1,500
Remote presentation of results	\$3,000
Additional Service:	
Track module and Polco AI	\$4,000/yr
Engage module	\$3,000/yr
Total Cost	\$40,500

Track Module and Polco AI

- Community Livability Snapshot (CLS) – Visual overview of quality of life
- Overview Dashboard – Essential data across multiple sectors, monitor trends, assess progress, and make data-driven decisions
- Domain Dashboards – Access local and national data, highlighting metrics and trends for each sector, and configure benchmarking comparison filters
- Comparison Groups – Compare and identify gaps with other communities
- Data for Older Adults – Data for inclusive, supportive environment for senior population
- Polco AI (Polly) – Intelligence advisor to provide tailored advice on content strategy, engagement, decision making, grant writing, budgeting, and more

Engage Module

- Polls and Surveys – Quickly gather feedback on important issues with customizable polls and surveys
- Content Posts – Engage residents with informative multimedia content posts
- Save and Share Data Points – Easily save and share live community analytics data visualizations in content posts
- Polco Library – Ready-made survey templates and questions to easily launch
- Live Meetings – Enhance meetings with live polling and feedback in real-time

Questions?



Welcome to Polco

- Your communities need your input on important issues.
- Get access to local area insights and decision making data.
- It's free and completely anonymous.
- Your information is completely private and will never be sold.

Get Started

Already have an account?

Login



Frisco

 Language English

The City of Frisco 2024 Community Survey - Open to All Residents

~16 min survey Expires on 09/02/2024

Thank you for participating in the City of Frisco 2024 Community Survey! Please share this link with your friends and family to ensure participation by a wide variety of residents. Your responses are confidential and no identifying information will be shared.

Please note that once you have answered the questions, in order to submit your response you will be required to provide your email and zip code. This lets us be sure we are hearing from each person only once and see which respondents live inside or outside of the city. Additionally, the City hopes to continually engage with the community and periodically ask for your input on pressing topics, new ideas and initiatives, or other important issues.

This survey closed on 09/02/2024

Question 1

Do you live within the City limits of Frisco?

☐ Yes

☐ No

☐ I don't know

Question 2

Please rate each of the following aspects of quality of life in Frisco.

Frisco as a place to live

Please select

Your neighborhood as a place to live

Please select

Frisco as a place to raise children

Please select

Frisco as a place to work

Please select

▼

Frisco as a place to visit

Please select

▼

Frisco as a place to retire

Please select

▼

The overall quality of life in Frisco

Please select

▼

Sense of community

Please select

▼

Question 3

Please rate each of the following characteristics as they relate to Frisco as a whole.

Overall economic health of Frisco

Please select

▼

Overall quality of the transportation system (auto, bicycle, foot, bus) in Frisco

Please select

▼

Overall design or layout of Frisco's residential and commercial areas (e.g., homes, buildings, streets, parks, etc.)

Please select

▼

Overall quality of the utility infrastructure in Frisco (water, sewer, storm water, electric/gas, broadband)

Please select

▼

Overall feeling of safety in Frisco

Please select

▼

Overall quality of natural environment in Frisco

Please select

▼

Overall quality of parks and recreation opportunities

Please select

▼

Overall health and wellness opportunities in Frisco

Please select

▼

Overall opportunities for education, culture, and the arts

Please select

▼

Residents' connection and engagement with their community

Please select

▼

Question 4

Please indicate how likely or unlikely you are to do each of the following.

Recommend living in Frisco to someone who asks

Please select

▼

Remain in Frisco for the next five years

Please select

▼

Question 5

Please rate how safe or unsafe you feel:

In your neighborhood during the day

Please select

▼

In Frisco's downtown/commercial area during the day

Please select

▼

In Frisco venues or at events in Frisco

Please select

▼

From property crime

Please select

▼

From violent crime

Please select

From fire, flood, or other natural disaster

Please select

Question 6

Please rate the job you feel the Frisco community does at each of the following.

Making all residents feel welcome

Please select

Attracting people from diverse backgrounds

Please select

Valuing/respecting residents from diverse backgrounds

Please select

Taking care of vulnerable residents (elderly, disabled, homeless, etc.)

Please select

Question 7

Please rate each of the following in the Frisco community.

Overall quality of business and service establishments in Frisco

Please select

Variety of business and service establishments in Frisco

Please select

Vibrancy of downtown/commercial area

Please select

Employment opportunities

Please select

Shopping opportunities

Please select

Cost of living in Frisco

Please select

▼

Overall image or reputation of Frisco

Please select

▼

Question 8

Please also rate each of the following in the Frisco community.

Traffic flow on major streets

Please select

▼

Ease of public parking

Please select

▼

Ease of travel by car in Frisco

Please select

▼

Ease of travel by public transportation in Frisco

Please select

▼

Ease of travel by bicycle in Frisco

Please select

▼

Ease of walking in Frisco

Please select

▼

Well-planned residential growth

Please select

▼

Well-planned commercial growth

Please select

▼

Well-designed neighborhoods

Please select

▼

Preservation of the historical or cultural character of the community

Please select

▼

Public places where people want to spend time

Please select

▼

Variety of housing options

Please select

▼

Availability of affordable quality housing

Please select

▼

Overall quality of new development in Frisco

Please select

▼

Overall appearance of Frisco

Please select

▼

Cleanliness of Frisco

Please select

▼

Water resources (beaches, lakes, ponds, riverways, etc.)

Please select

▼

Air quality

Please select

▼

Availability of paths and walking trails

Please select

▼

Fitness opportunities (including exercise classes and paths or trails, etc.)

Please select

▼

Recreational opportunities

Please select

▼

Availability of affordable quality food

Please select

▼

Availability of affordable quality health care

Please select

▼

Availability of preventive health services

Please select

▼

Availability of affordable quality mental health care

Please select

▼

Opportunities to attend cultural/arts/music activities

Please select

▼

Community support for the arts

Please select

▼

Availability of affordable quality childcare/preschool

Please select

▼

K-12 education

Please select

▼

Adult educational opportunities

Please select

▼

Sense of civic/community pride

Please select

▼

Neighborliness of residents in Frisco

Please select

▼

Opportunities to participate in social events and activities

Please select

▼

Opportunities to attend special events and festivals

Please select

Opportunities to volunteer

Please select

Opportunities to participate in community matters

Please select

Openness and acceptance of the community toward people of diverse backgrounds

Please select

Question 9

Please indicate whether or not you have done each of the following in the last 12 months.

Contacted the City of Frisco (in-person, phone, email, or web) for help or information

Please select

Contacted Frisco elected officials (in-person, phone, email, or web) to express your opinion

Please select

Attended a local public meeting (of local elected officials like City Council or County Commissioners, advisory boards, town halls, HOA, neighborhood watch, etc.)

Please select

Watched (online or on television) a local public meeting

Please select

Volunteered your time to some group/activity in Frisco

Please select

Campaigned or advocated for a local issue, cause, or candidate

Please select

Voted in your most recent local election

Please select

Used bus, rail, subway, or other public transportation instead of driving

Please select

Carpooled with other adults or children instead of driving alone

Please select

Walked or biked instead of driving

Please select

Question 10

Please rate the quality of each of the following services in Frisco.

Public information services

Please select

Economic development

Please select

Traffic enforcement

Please select

Traffic signal timing

Please select

Street repair

Please select

Street cleaning

Please select

Street lighting

Please select

Snow removal

Please select

Sidewalk maintenance

Please select

Bus or transit services

Please select

▼

Land use, planning, and zoning

Please select

▼

Code enforcement (weeds, abandoned buildings, etc.)

Please select

▼

Affordable high-speed internet access

Please select

▼

Garbage collection

Please select

▼

Drinking water

Please select

▼

Sewer services

Please select

▼

Storm water management (storm drainage, dams, levees, etc.)

Please select

▼

Power (electric and/or gas) utility

Please select

▼

Utility billing

Please select

▼

Police/Sheriff services

Please select

▼

Crime prevention

Please select

▼

Animal control

Please select

Ambulance or emergency medical services

Please select

Police and Fire 911 dispatch

Please select

Fire services

Please select

Fire prevention and education

Please select

Emergency preparedness (services that prepare the community for natural disasters or other emergency situations)

Please select

Preservation of natural areas (open space, farmlands, and greenbelts)

Please select

Frisco open space

Please select

Recycling

Please select

Yard waste pick-up

Please select

City parks

Please select

Recreation programs or classes

Please select

Recreation centers or facilities

Please select

▼

Health services

Please select

▼

Public library services

Please select

▼

Communication about City programs, services, and special events

Please select

▼

Overall customer service by Frisco employees (police, receptionists, planners, etc.)

Please select

▼

Question 11

Please rate the following categories of Frisco government performance.

The value of services for the taxes paid to Frisco

Please select

▼

The overall direction that Frisco is taking

Please select

▼

The job Frisco government does at welcoming resident involvement

Please select

▼

Overall confidence in Frisco government

Please select

▼

Generally acting in the best interest of the community

Please select

▼

Being honest

Please select

▼

Being open and transparent to the public

Please select

▼

Informing residents about issues facing the community

Please select

Treating all residents fairly

Please select

Treating residents with respect

Please select

Question 12

Overall, how would you rate the quality of the services provided by each of the following?

The City of Frisco

Please select

The Federal Government

Please select

Question 13

Please rate how important, if at all, you think it is for the Frisco community to focus on each of the following in the coming two years.

Overall economic health of Frisco

Please select

Overall quality of the transportation system (auto, bicycle, foot, bus) in Frisco

Please select

Overall design or layout of Frisco's residential and commercial areas (e.g., homes, buildings, streets, parks, etc.)

Please select

Overall quality of the utility infrastructure in Frisco (water, sewer, storm water, electric/gas, broadband)

Please select

Overall feeling of safety in Frisco

Please select

Overall quality of natural environment in Frisco

Please select

▼

Overall quality of parks and recreation opportunities

Please select

▼

Overall health and wellness opportunities in Frisco

Please select

▼

Overall opportunities for education, culture, and the arts

Please select

▼

Residents' connection and engagement with their community

Please select

▼

Question 14

Please rate how much, if at all, you agree with the following statements about tourism in Frisco.

Overall I think tourism is good for my city (Frisco)

Please select

▼

Tourism generates a positive return on investment for my community

Please select

▼

As a resident, I enjoy the events that brings visitors to my community

Please select

▼

Tourism creates or enhances awareness of Frisco to people/businesses outside of my community

Please select

▼

The economic benefits of tourism help reduce my property taxes

Please select

▼

Tourism encourages investment in our local economy

Please select

▼

Tourism in Frisco contributes to a more diverse and inclusive community

Please select

Tourism makes my community a nicer place to live

Please select

Question 15

Are you employed at or do you run a business that benefits from tourism in Frisco?

☐ Yes – my business or employer sees a great deal of benefit from tourism.

☐ Yes – my business or employer sees some benefit from tourism.

☐ No - my business or employer does not see any benefit from tourism.

☐ I do not work in Frisco.

Our last questions are about you and your household.

Again, all of your responses to this survey are confidential and no identifying information will be shared.

Question 16

In general, how many times do you:

Access the internet from your home using a computer, laptop, or tablet computer

Please select

Access the internet from your cell phone

Please select

Visit social media sites such as Facebook, Twitter, Nextdoor, etc.

Please select

Use or check email

Please select

Share your opinions online

Please select

Shop online

Please select

▼

Question 17

Please rate your overall health.

☐ Excellent

☐ Very good

☐ Good

☐ Fair

☐ Poor

Question 18

What impact, if any, do you think the economy will have on your family income in the next 6 months?
Do you think the impact will be:

☐ Very positive

☐ Somewhat positive

☐ Neutral

☐ Somewhat negative

☐ Very negative

Question 19

How many years have you lived in Frisco?

☐ Less than 2 years

☐ 2-5 years

☐ 6-10 years

☐ 11-20 years

☐ More than 20 years

Question 20

Which best describes the building you live in?

- ☐ Single-family detached home
- ☐ Townhouse or duplex (may share walls but no units above or below you)
- ☐ Condominium or apartment (have units above or below you)
- ☐ Mobile home
- ☐ Other

Question 21

Do you rent or own your home?

- ☐ Rent
- ☐ Own

Question 22

About how much is your monthly housing cost for the place you live (including rent, mortgage payment, property tax, property insurance and homeowners’ association (HOA) fees)?

- ☐ Less than \$300
- ☐ \$300 to \$599
- ☐ \$600 to \$999
- ☐ \$1,000 to \$1,499
- ☐ \$1,500 to \$2,499
- ☐ \$2,500 to \$3,999
- ☐ \$4,000 to \$6,999
- ☐ \$7,000 to \$9,999
- ☐ \$10,000 or more

Question 23

Do any children 17 or under live in your household?

☐ No

☐ Yes

Question 24

Are you or any other members of your household aged 65 or older?

☐ No

☐ Yes

Question 25

How much do you anticipate your household’s total income before taxes will be for the current year?
(Please include in your total income money from all sources for all persons living in your household.)

☐ Less than \$25,000

☐ \$25,000 to \$49,999

☐ \$50,000 to \$74,999

☐ \$75,000 to \$99,999

☐ \$100,000 to \$149,999

☐ \$150,000 to \$199,999

☐ \$200,000 to \$299,999

☐ \$300,000 or more

Question 26

Are you of Hispanic, Latino/a/x, or Spanish origin?

☐ No, not of Hispanic, Latino/a/x, or Spanish origin

☐ Yes, I consider myself to be of Hispanic, Latino/a/x, or Spanish origin

Question 27

What is your race? (Mark one or more races to indicate what race you consider yourself to be.)

Choose all that apply

☐ American Indian or Alaska Native

☐ Asian

☐ Black or African American

☐ Native Hawaiian or Other Pacific Islander

☐ White

☐ A race not listed

Question 28

In which category is your age?

☐ 18-24 years

☐ 25-34 years

☐ 35-44 years

☐ 45-54 years

☐ 55-64 years

☐ 65-74 years

☐ 75 years or older

Question 29

What is your gender?

☐ Woman

☐ Man

Question 30

How did you hear about this survey? (Select all that apply.)

Choose all that apply

☐ The City’s website

☐ The City’s social media (Facebook, X, Instagram, etc.)

☐ Received an email from the City

☐ In a City newsletter or utility bill

☐ Received a postcard or letter from the City

☐ Nextdoor

☐ In my Facebook feed

☐ Saw it on a video of a public meeting or at a meeting I attended

☐ Saw it on the City's cable channel

☐ Saw it in a newspaper article or ad (hard copy or online)

☐ Saw a flyer or poster about it

☐ Heard about it from a family member, friend or neighbor

☐ Heard about it from a business or social organization in my community

☐ Polco’s weekly email

☐ Polco social media post

☐ On my Polco feed

☐ Other

Thank you!

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