



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

Pat Bryson Municipal Hall
201 North Brushy Street - Leander, Texas
Thursday - March 3, 2022
Briefing Workshop at 6:00 PM
Regular Meeting at 7:00 PM



Mayor – Christine DeLisle

Place 1 – Kathryn Pantalion-Parker

Place 2 – Esme Mattke Longoria

Place 3 – Jason Shaw

Place 4 – Na'Cole Thompson

Place 5 – Chris Czernek

Place 6 – Becki Ross, *Mayor Pro Tem*

City Manager – Rick Beverlin

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. Convene into Executive Session pursuant to:
 - (1) Section 551.072 and 551.087, Texas Government Code, Deliberate the purchase, exchange, lease, or value of real property and 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 and with which the governmental body is conducting development negotiations; and
 - (2) Section 551.071, Texas Government Code, and Section 1.05, Texas Disciplinary Rules of Professional Conduct to consult with legal counsel regarding jurisdictional boundary matters with neighboring cities.

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

- (1) one (1) or more business prospects; and
- (2) jurisdictional boundary matters with neighboring cities.

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 by Council.

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

7. Recognitions/Proclamations/Visitors.
• Leander FFA program and students

CONSENT AGENDA: ACTION

8. Approval of the minutes for meetings held on February 17, 2022 and February 18, 2022.
9. Approval of Change Order No. 26 to the construction contract with DeNucci Constructors, LLC for the Northline Phase 1 project for removal and replacement of select fill to provide better subgrade to support a city road; increasing the City portion of the contract by the amount of \$338,393.00, bringing the new contract total for city improvements to \$10,920,837.75; extending the contract term by twenty (20) days; and authorizing the City Manager to negotiate and execute any and all necessary documents.
10. Approval of the Third Consent to Partial Assignment of the Wedemeyer Development Agreement Case 15-DA-002 regarding the Wedemeyer Development Agreement for a portion of two (2) parcels of land approximately 12.64 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R544612 and R532728; and more commonly known as 1453 CR 267, Leander, Williamson County, Texas.
11. Approval of the Second Reading of an Ordinance regarding Zoning Case 21-Z-026 to amend the current zoning of SFU/MH-2-B (Single-Family Urban/Manufactured Home) to create the Sky Heights PUD (Planned Unit Development) with a base zoning of SFT-2-B (Single-Family Townhouse) on one (1) parcel of land approximately 2.68 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R036438; legally described as Lot 3, Blk A, Leander Heights Section 2; and more commonly known as 415 Lion Drive, Leander, Williamson County, Texas.
12. Approval of the Second Reading of an Ordinance regarding the Harmony Public School Annexation Case 21-A-009 regarding the voluntary annexation of 20.077 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R031590, R031591, R031592, R031594, and R031595; and commonly known as 3250 Hero Way, Leander, Williamson County, Texas.
13. Approval of the Second Reading of an Ordinance regarding Zoning Case 21-Z-040 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to LO-2-B (Local Office) on eight (8) parcels of land approximately 27.99 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R031590, R031591, R031592, R031594, R031595, R508113, R508114, and R508115; and addressed as 3250 Hero Way, Leander, Williamson County, Texas.
14. Approval of the Second Reading of an Ordinance regarding Zoning Case 21-Z-041 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to GC-3-C (General Commercial) on two (2) parcels of land approximately 22.039 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R031358 and R602142; and addressed as 8622 183A Toll Road, Leander, Williamson County, Texas.

15. Approval of the Second Reading of an Ordinance regarding Zoning Case 21-Z-043 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to GC-2-B (General Commercial) on five (5) parcels of land approximately 33.911 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R555235, R555246, R031297, R555247, R031279; and addressed as 2957, 3345, 3549, & 3919 Hero Way, Leander, Williamson County, Texas.
16. Approval of the Second Reading of an Ordinance regarding Zoning Case 21-Z-045 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to HC-4-D (Heavy Commercial) on three (3) parcels of land approximately 12.819 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R555216, R319481 and R031282; and addressed as 2871 Hero Way, Leander, Williamson County, Texas.
17. Acceptance of Subdivision Public Infrastructure Improvements for Barnett Professional Plaza

PUBLIC HEARING: ACTION

18. Conduct the Second Public Hearing on the City of Leander's Juvenile Curfew Ordinance, Article 8.02, Division 2 of the Leander Code of Ordinances to determine the need to continue the ordinance.
 - Discuss and consider action on renewing the City of Leander's Juvenile Curfew Ordinance, Article 8.02 of the Leander Code of Ordinances for a term of three (3) years currently expiring in March 2022.
19. Conduct a Public Hearing regarding Special Use Case 21-SU-004 to allow for a food truck park including minor waivers to the Composite Zoning Ordinance on one (1) parcel of land approximately 0.9373 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R035579; and addressed as 1006 Los Vista Drive, Leander, Williamson County, Texas.
 - Discuss and consider action regarding Special Use Case 21-SU-004 as described above.
20. Conduct a Public Hearing regarding Zoning Case 21-Z-039 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to HC-4-D (Heavy Commercial) on one (1) parcel of land approximately 4.95 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R031285; and more commonly known as 2999 Hero Way West, Leander, Williamson County, Texas.
 - Discuss and consider action regarding Zoning Case 21-Z-039 as described above.
21. Conduct a Public Hearing regarding Comprehensive Plan Case 21-CPA-008 to adopt an updated Comprehensive Plan including the update of the future land use plan and map.
 - Discuss and consider action regarding Comprehensive Plan Case 21-CPA-008 as described above.

REGULAR AGENDA

22. Discuss and consider action on the First Reading of an Ordinance regarding Zoning Case 21-Z-037 to amend the current zoning of LC-2-B (Local Commercial) and SFU/MH-2-B (Single-Family Urban/Manufactured Home) to GC-3-C (General Commercial) and LC-2-A (Local Commercial) on two (2) parcels of land approximately 1.5660 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R035565 and R035563; and addressed as 1007 and 1009 Los Vista Drive, Williamson County, Texas.
23. Discuss and consider action on Development Agreement Case 20-DA-003 regarding the Edgewood Development on four (4) parcels of land approximately 140.239 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R031736, R032138, R496874, and R496876; generally located to the southeast of the intersection of RM 2243 and CR 175 in Leander, Williamson County, Texas.
24. Discuss and consider action on a Resolution directing publication of notice of public hearing and intention to issue combination tax and revenue certificates of obligation (road, street and traffic signalization improvements).
25. Discuss and consider action on a Resolution directing publication of notice of public hearing and intention to issue combination tax and revenue certificates of obligation (waterworks and sewer system improvements).
26. Discuss and consider action on a Resolution initiating the process to refinance two (2) developer reimbursement agreements for the Northern Improvement Area of the Deerbrooke Public Improvement District with special assessment revenue bonds in an amount not to exceed \$2,850,000.00.
27. Discuss and consider action on a Resolution planning for the priorities of the additional one percent (1%) use of General Revenue Sales and Use Tax Revenue, if approved by a majority of qualified voters at the special election held on May 7, 2022.
28. Council Member Closing Statements.
29. Adjournment

CERTIFICATION

This meeting will be conducted pursuant to the Texas Government Code Section 55 1.001 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 55 1.071 [litigation and certain Consultation with attorney], 551.072 [acquisition of interest in real property], 55 1.073 [prospective gift to city], 55 1.074 [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 25 day of February 2022 by 5:00 p.m. pursuant to Chapter 551 of the Texas Government Code.


Dara Crabtree, City Secretary, TRMC



EXECUTIVE SUMMARY
03/03/2022

AGENDA SUBJECT:

Approval of the minutes for meetings held on February 17, 2022 and February 18, 2022.

BACKGROUND:

Attached are the minutes for meetings held on February 17, 2022 and February 18, 2022.

PRESENTER:

Dara Crabtree, City Secretary

Attachments

1. Draft minutes 02.17.2022
2. Draft Minutes 02.18.2022



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

Pat Bryson Municipal Hall
201 North Brushy Street - Leander, Texas
February 17, 2022



Mayor – Christine DeLisle
Place 1 – Kathryn Pantalion-Parker
Place 2 – Esme Mattke Longoria
Place 3 – Jason Shaw

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

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

BRIEFING WORKSHOP - CONVENE AT 6:00 P.M.

1. Opened meeting at 6:00 p.m.
2. Roll Call reflected all present.
3. Discussion regarding dedicated sales tax proposition options included proposed ballot language; possible ballot language if desire a Type B Economic Development Corporation; legal parameters; ballot considerations; ballot language examples; where additional voter information will be posted; how general revenue sales tax can be used; and how Type B funds can be used.

Briefing workshop adjourned at 6:43 p.m.

REGULAR MEETING – CONVENE AT 7:00 PM

4. Opened meeting at 7:03 p.m., Invocation provided by Reverend Wendell Holmes and Mayor Christine led the Pledges of Allegiance.
5. Roll Call reflected all present.
6. Public comments on items not listed in the agenda. No one spoke.

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

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

7. Recognitions/Proclamations/Visitors.
 - Recognition of MLK event Planning Committee
8. Leander Chamber of Commerce Visitors Report included how HOT funds were spent in 2021 on tourism; results of Chamber work; Chamber goals for 2022; tourism overview; general awareness marketing; festivals; press releases; visitors center goals for 2022; and 2022 budget.
9. Board Report
 - Exploring Leander History include total population in 1840 and 1890 including black slaves; Texas freedom colonies; and Miller/Jenks Branch community.

CONSENT AGENDA: ACTION

Motion by Councilmember Kathryn Pantalion-Parker, Seconded by Councilmember Na'Cole Thompson to approve the consent agenda items 10 through 22.

Vote: 7 - 0

10. Approval of the minutes for meetings held on January 29, 2022, February 3, 2022 and February 17~~07~~, 2022.
11. Acceptance of the Quarterly Investment Report for the period ending December 31, 2021.
12. Approval of the award of a contract to DigDug Construction, LLC for maintenance of city-owned ponds in the amount of \$65,041.00; and authorize the City Manager to execute any and all necessary documents.
13. Acceptance of subdivision infrastructure improvements for Travisso Phase 4 Section 4 Nameless Valley Ranch Dam No. 1, and Bluffview Phase 2.
14. Approval of Amendment No. 1 to Task Order RPS-10 with RPS Engineering for design, bidding and construction phase services for the Bagdad Road and Sonny Drive traffic signal, increasing the amount of the task order by \$19,380.00 to a new total of \$28,365.00; and authorize the City Manager to negotiate and execute all appropriate documentation.
15. Approval of Amendment No. 1 to Task Order RPS-12 with RPS Engineering for design, bidding and construction phase services for the Hero Way and Ronald Reagan Boulevard traffic signal, increasing the amount of the task order by \$5,650.00 to a new total of \$54,830.00; and authorize the City Manager to negotiate and execute all appropriate documentation.
16. Approval of a waiver of Article 8.04, Noise, Section 8.04.001(a) (11) in the hours of construction work to Osburn Contractors for the Ronald Reagan Crossing Leander 15 Project.
17. Approval of an agreement by and between Brushy Creek Regional Utility Authority (BCRUA) and Walker Partners for the Underwater Pipeline Replacement Project; and authorize the President of BCRUA to execute said agreement on behalf of the City of Leander, Texas.

18. Reject all bids received regarding Solicitation #S21-031 for the construction of the proposed traffic signal at the intersection of Sonny Drive and Bagdad Road.
19. Reject all proposals received for Solicitation #S22-009 regarding Old Town Master Plan.
20. Approval of Development Agreement Case 21-DA-022 regarding the Blockhouse Farm Development on one parcel of land approximately 33.088 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R031210; and addressed as 14951 Ronald W. Reagan Boulevard, Leander, Williamson County, Texas.
21. Approval of the extension of the application expiration for Subdivision Cases 20-PICP-024, 20-PICP-026, 20-PICP-034, 20-FP-016, 20-FP-017, and 20-FP-027 Palmera Bluff Sections 2, 4 and 6 Construction Plans and Final Plats; generally located to the north of the intersection of Logan Del Way and E. San Gabriel Parkway, Leander, Williamson County, Texas.
22. Approval of an Ordinance amending Chapter 8, Article 8.06, regulating child safety zones to amend the definition of child sex offender and include the term database; providing for enforcement and penalty clauses; providing for open meetings, severability, and effective date clauses; and providing for related matters.

PUBLIC HEARING: NO ACTION

23. Mayor Christine opened the first Public Hearing at 7:32 p.m. on the City of Leander's Juvenile Curfew Ordinance, Article 8.02, Division 2 of the Leander Code of Ordinances to determine the need to continue the Ordinance. No one spoke in favor or opposition of the Ordinance. The Public Hearing closed at 7:32 p.m.

PUBLIC HEARING: ACTION

24. Mayor Christine opened the Public Hearing at 7:33 p.m. regarding Subdivision Case 21-CP-017 to adopt the Greenlight Village Concept Plan on two (2) parcels of land approximately 14.02 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District R031386, R031387; generally located on the south side of Hero Way West east of N. Bagdad Road and west of Broade Way, Leander, Williamson County, Texas. No one spoke in favor or opposition of the request. The Public Hearing closed at 7:33 p.m.

- Discuss and consider action regarding Subdivision Case 21-CP-017 as described above.

Motion by Councilmember Chris Czernek, Seconded by Councilmember Kathryn Pantalion-Parker to approve Subdivision Case 21-CP-017 to adopt the Greenlight Village Concept Plan on two (2) parcels of land approximately 14.02 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District R031386, R031387; generally located on the south side of Hero Way West east of N. Bagdad Road and west of Broade Way, Leander, Williamson County, Texas.

Vote: 7 - 0

25. Mayor Christine opened a Public Hearing at 7:35 p.m. regarding Zoning Case 21-Z-026 to amend the current zoning of SFU/MH-2-B (Single-Family Urban/Manufactured Home) to create the Sky Heights PUD (Planned Unit Development) with a base zoning of SFT-2-B (Single-Family Townhouse) on one (1) parcel of land approximately 2.68 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R036438; legally described as Lot 3, Blk A, Leander Heights Section 2; and more commonly known as 415 Lion Drive, Leander, Williamson County, Texas. No one spoke in favor or opposition of the request. The Public Hearing closed at 7:35 p.m.

- Discuss and consider action regarding Zoning Case 21-Z-026 as described above.

Motion by Councilmember Chris Czernek, Seconded by Councilmember Kathryn Pantalione-Parker to approve Zoning Case 21-Z-026 to amend the current zoning of SFU/MH-2-B (Single-Family Urban/Manufactured Home) to create the Sky Heights PUD (Planned Unit Development) with a base zoning of SFT-2-B (Single-Family Townhouse) on one (1) parcel of land approximately 2.68 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R036438; legally described as Lot 3, Blk A, Leander Heights Section 2; and more commonly known as 415 Lion Drive, Leander, Williamson County, Texas, including staff recommendation and to include in the PUD notes a maximum of 32 units, following a discussion.

Vote: 7 - 0

26. Mayor Christine opened a Public Hearing at 7:41 p.m. regarding Zoning Case 21-Z-037 to amend the current zoning of LC-2-B (Local Commercial) and SFU/MH-2-B (Single-Family Urban/Manufactured Home) to GC-3-C (General Commercial) and LC-2-A (Local Commercial) on two (2) parcels of land approximately 1.5660 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R035565 and R035563; and addressed as 1007 and 1009 Los Vista Drive, Williamson County, Texas. No one spoke in favor or opposition of the request. The Public Hearing closed at 7:41 p.m.

- Discuss and consider action regarding Zoning Case 21-Z-037 as described above.

Motion by Councilmember Kathryn Pantalione-Parker, Seconded by Councilmember Esme Longoria Mattke to delay action on Zoning Case 21-Z-037 until the March 3, 2022 regular meeting.

Vote: 7 - 0

27. Mayor Christine opened a Public Hearing at 7:42 p.m. regarding the Harmony Public School Annexation Case 21-A-009 regarding the voluntary annexation of 20.077 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R031590, R031591, R031592, R031594, and R031595; and commonly known as 3250 Hero Way, Leander, Williamson County, Texas. No one spoke in favor or opposition of the request. The Public Hearing closed at 7:42 p.m.

- Discuss and consider action regarding the Harmony Public School Annexation Case 21-A-009 as described above.

Motion by Councilmember Kathryn Pantalion-Parker, Seconded by Councilmember Esme Longoria Mattke to approve the Harmony Public School Annexation Case 21-A-009 regarding the voluntary annexation of 20.077 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R031590, R031591, R031592, R031594, and R031595; and commonly known as 3250 Hero Way, Leander, Williamson County, Texas.

Vote: 7 - 0

28. Mayor Christine opened a Public Hearing at 7:44 p.m. regarding Zoning Case 21-Z-040 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to LO-2-B (Local Office) on eight (8) parcels of land approximately 27.99 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R031590, R031591, R031592, R031594, R031595, R508113, R508114, and R508115; and addressed as 3250 Hero Way, Leander, Williamson County, Texas. No one spoke in favor or opposition of the request. The Public Hearing closed at 7:44 p.m.

- Discuss and consider action regarding Zoning Case 21-Z-040 as described above.

Motion by Councilmember Jason Shaw, Seconded by Councilmember Kathryn Pantalion-Parker to approve Zoning Case 21-Z-040 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to LO-2-B (Local Office) on eight (8) parcels of land approximately 27.99 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R031590, R031591, R031592, R031594, R031595, R508113, R508114, and R508115; and addressed as 3250 Hero Way, Leander, Williamson County, Texas.

Vote: 7 - 0

29. Mayor Christine opened a Public Hearing at 7:47 p.m. regarding Zoning Case 21-Z-041 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to GC-3-C (General Commercial) on two (2) parcels of land approximately 22.039 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R031358 and R602142; and addressed as 8622 183A Toll Road, Leander, Williamson County, Texas. No one spoke in favor or opposition of the request. The Public Hearing closed at 7:47 p.m.

- Discuss and consider action regarding Zoning Case 21-Z-041 as described above.

Motion by Councilmember Kathryn Pantalion-Parker, Seconded by Mayor Pro Tem Becki Ross to approve Zoning Case 21-Z-041 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to GC-3-C (General Commercial) on two (2) parcels of land approximately 22.039 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R031358 and R602142; and addressed as 8622 183A Toll Road, Leander, Williamson County, Texas.

Vote: 7 - 0

30. Mayor Christine opened a Public Hearing at 7:49 p.m. regarding Zoning Case 21-Z-043 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to GC-2-B (General Commercial) on five (5) parcels of land approximately 33.911 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R555235, R555246, R031297, R555247, R031279; and addressed as 2957, 3345, 3549, & 3919 Hero Way, Leander, Williamson County, Texas. No one spoke in favor or opposition of the request. The Public Hearing closed at 7:49 p.m.

- Discuss and consider action regarding Zoning Case 21-Z-043 as described above.

Motion by Councilmember Jason Shaw, Seconded by Councilmember Kathryn Pantalion-Parker to approve Zoning Case 21-Z-043 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to GC-2-B (General Commercial) on five (5) parcels of land approximately 33.911 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R555235, R555246, R031297, R555247, R031279; and addressed as 2957, 3345, 3549, & 3919 Hero Way, Leander, Williamson County, Texas.

Vote: 7 - 0

31. Mayor Christine opened a Public Hearing at 7:50 p.m. regarding Zoning Case 21-Z-045 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to HC-4-D (Heavy Commercial) on three (3) parcels of land approximately 12.819 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R555216, R319481 and R031282; and addressed as 2871 Hero Way, Leander, Williamson County, Texas. Kate McDonald, 2416 La Mirada provided comments. No one spoke in favor or opposition of the request. The Public Hearing closed at 7:51 p.m.

- Discuss and consider action regarding Zoning Case 21-Z-045 as described above.

Motion by Councilmember Kathryn Pantalion-Parker, Seconded by Councilmember Esme Longoria Mattke to approve Zoning Case 21-Z-045 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to HC-4-D (Heavy Commercial) on three (3) parcels of land approximately 12.819 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R555216, R319481 and R031282; and addressed as 2871 Hero Way, Leander, Williamson County, Texas.

Vote: 7 - 0

REGULAR AGENDA

32. Received presentation and accept the Annual Financial Report for fiscal year ending September 30, 2021, from external auditor, Pattillo Brown and Hill, LLP.

Motion by Councilmember Chris Czernek, Seconded by Mayor Pro Tem Becki Ross to accept the Annual Financial Report for fiscal year ending September 30, 2021, from external auditor, Pattillo Brown and Hill, LLP.

Vote: 7 - 0

33. Discuss and consider action on an Ordinance of the City of Leander, Texas, ordering a Special Election to be held on May 7, 2022, on a proposition to increase the City's General Revenue Sales and Use Tax Rate pursuant to Chapter 321 of the Texas Tax Code, conditioned on a majority of qualified voters voting "No" on Proposition "A", which is the measure on the question of the continuation of the Capital Metropolitan Transportation Authority in the City of Leander; providing for proposition language; providing for election procedures; providing for an effective date; providing an open meetings clause; and providing for related matters.

Discutir y considerar la acción sobre una Ordenanza de la Ciudad de Leander, Texas, que ordena que se celebre una Elección Especial el 7 de mayo de 2022, sobre una propuesta para aumentar la Tasa del Impuesto sobre las Ventas y el Uso de Ingresos Generales de la Ciudad de conformidad con el Capítulo 321 del Impuesto de Texas Código, condicionado a que una mayoría de votantes

calificados voten “No” a la Proposición “A”, que es la medida sobre la cuestión de la continuación de la Autoridad de Transporte Metropolitano de la Capital en la Ciudad de Leander; proporcionar lenguaje de proposiciones; proporcionar procedimientos electorales; proporcionar una fecha de vigencia; proporcionar una cláusula de reuniones abiertas; y proveer para asuntos relacionados.

Motion by Mayor Pro Tem Becki Ross, Seconded by Councilmember Esme Longoria Mattke to approve Ordinance of the City of Leander, Texas, ordering a Special Election to be held on May 7, 2022, on a proposition to increase the City’s General Revenue Sales and Use Tax Rate pursuant to Chapter 321 of the Texas Tax Code, conditioned on a majority of qualified voters voting “No” on Proposition “A”, which is the measure on the question of the continuation of the Capital Metropolitan Transportation Authority in the City of Leander; providing for proposition language; providing for election procedures; providing for an effective date; providing an open meetings clause; and providing for related matters.

Vote: 6 - 1

NAY: Councilmember Jason Shaw

34. Discuss and consider action on an Ordinance of the City of Leander, Texas, ordering a Special Election to be held on May 7, 2022, on a proposition to adopt a Type B Economic Development Sales and Use Tax, conditioned on a majority of qualified voters voting “No” on Proposition “A”, which is the measure on the question of the continuation of the Capital Metropolitan Transportation Authority in the City of Leander; providing for proposition language; providing for election procedures; providing for an effective date; providing an open meetings clause; and providing for related matters.

Discutir y considerar la acción sobre una Ordenanza de la Ciudad de Leander, Texas, que ordena que se celebre una Elección Especial el 7 de mayo de 2022, sobre una propuesta para adoptar un Impuesto sobre Ventas y Uso de Desarrollo Económico Tipo B, condicionado a una mayoría de votantes calificados votando “No” a la Proposición “A”, que es la medida sobre la cuestión de la continuación de la Autoridad de Transporte Metropolitano de la Capital en la Ciudad de Leander; proporcionar lenguaje de proposiciones; proporcionar procedimientos electorales; proporcionar una fecha de vigencia; proporcionar una cláusula de reuniones abiertas; y proveer para asuntos relacionados.

Motion by Councilmember Kathryn Pantalion-Parker, Seconded by Councilmember Esme Longoria Mattke to take no action.

Vote: 6 - 1

NAY: Councilmember Jason Shaw

35. Discuss and consider action on an Ordinance of the City of Leander, Texas, amending and restating Ordinance Number 22-013-00 ordering a Special Election to be held on the adoption of amendments to the City Charter; providing for election procedures; providing for an effective date; providing an open meetings clause; and providing for related matters.

Discutir y considerar la acción sobre una Ordenanza de la Ciudad de Leander, Texas, que modifica y reafirma la Ordenanza Número 22-013-00 que ordena que se celebre una Elección Especial sobre la adopción de enmiendas a la Carta Constitutiva de la Ciudad; proporcionar procedimientos electorales; proporcionar una fecha de vigencia; proporcionar una cláusula de reuniones abiertas; y proveer para asuntos relacionados.

Motion by Mayor Christine DeLisle, Seconded by Mayor Pro Tem Becki Ross to take no action.

Vote: 7 - 0

36. Council Member Closing Statements.

Esme Mattke Longoria - congratulated MLK Planning Committee and Councilmember Thompson on recent MLK event; and thanked Historic Preservation Commission Vice-Chair Howell for tonight's Leander History presentation.

Chris Czernek - stated he was encouraged by the number of people that have signed up to run for city council; and happy to see it.

Becki Ross - thanked Chamber President Bridget Brandt for her work with the visitors center and chamber partnership.

Christine DeLisle - stated dinner was provided by Jardin's tonight; reminded everyone to shop and dine locally; and Boys Baseball and Girls Softball opening ceremonies are February 25 and February 26.

37. Adjourned at 8:09 p.m.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY



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

Pat Bryson Municipal Hall
201 North Brushy Street - Leander, Texas
February 18, 2022



**Mayor – Christine DeLisle
Place 1 – Kathryn Pantalion-Parker
Place 2 – Esme Mattke Longoria
Place 3 – Jason Shaw**

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

1. Opened meeting at 1:00 p.m. and confirmed all were present with Councilmember Pantalion-Parker arriving at 1:05 p.m.
2. Discuss city governance and strategic focus including, but not limited to, City Council goals and objectives, as facilitated with Ron Cox Consulting. Discussion included: recap of January 29, 2022, discussion; clarifying the mission of the City Council to read: The mission of the City of Leander is to enhance the quality of life for its residents; governance pyramid; key vision elements; key mission elements; leadership values; guiding values; and broke out into groups with directors to discuss strategic focus areas consisting of communication, infrastructure, land use and zoning, economic development, diversity, safety and sense of place.

[The City Council took a brief recess at 2:14 p.m.; reconvened at 2:26 p.m.]

3. Adjourned at 4:49 p.m.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY

**EXECUTIVE SUMMARY****03/03/2022****AGENDA SUBJECT:**

Approval of Change Order No. 26 to the construction contract with DeNucci Constructors, LLC for the Northline Phase 1 project for removal and replacement of select fill to provide better subgrade to support a city road; increasing the City portion of the contract by the amount of \$338,393.00, bringing the new contract total for city improvements to \$10,920,837.75; extending the contract term by twenty (20) days; and authorizing the City Manager to negotiate and execute any and all necessary documents.

BACKGROUND:

The Northline Phase 1 development project consists of city improvements (streets, drainage, and SWPPP) and developer improvements (water, wastewater, dry utilities, reclaimed water irrigation system, and streetscape). City improvements are being funded by the City's \$15M Certificates of Obligation. Developer improvements are the cost responsibility of the developer.

As per the terms of the development agreement for the Northline PUD and the Northline PUD Development and Reimbursement Agreement, TIRZ reimbursement of the City's costs for this project have priority over reimbursement of the developer's costs. The developer's cost for water and wastewater improvements will be by way of water and wastewater impact fee reimbursements and subsidiary TIRZ reimbursements.

In accordance with the construction contract, in no event shall the original aggregate total of the combined contract price for the city improvements, the water improvements, and the wastewater improvements be increased by more than twenty-five (25%) percent of such original aggregate total of the combined contract price for the city improvements, the water improvements, and the wastewater improvements.

The Construction Contract for Northline Phase 1 was awarded to DeNucci Constructors, LLC in the amount of \$13,418,537.00 on February 20, 2020. To date, there have been twenty-six (26) subsequent change orders, increasing the total contract amount to \$21,991,592.04, an increase of \$8,573,055.04. The Developer portion has increased \$7,396,026.29, which is 201% of the original Developer's share of the contract amount.

Change Order 26 increases the cost of the City participation in this project. Within this change request, the contractor excavated and removed nine thousand fifty-five (9,055) cubic yards of poor subgrade soil below a new road and replaced it with nine thousand fifty-five (9,055) cubic yards of select fill, providing for a much better subgrade to support a city road. This additional cost to the City will be \$338,393.00, making the total City portion increase by \$ 838,635.75, which is eight (8%) percent over the original City's share of the contract amount.

HISTORY/TIMELINE:**Northline Change Orders**

Change Order No.	Award Date	Increase Amount	Responsibility (City/Developer)	Developer Total	City Total	Total Contract Amount
1	23-Jul-20	\$92,934.87	Developer	\$3,767,662.87	\$9,743,809.00	\$13,511,471.87
2	23-Jul-20	\$41,773.99	Developer	\$3,809,436.86	\$9,743,809.00	\$13,553,245.86
3	6-Aug-20	\$11,661.62	City	\$3,809,436.86	\$9,755,470.62	\$13,564,907.48
4	6-Aug-20	\$64,906.10	Developer	\$3,874,342.96	\$9,755,470.62	\$13,629,813.58

5	13-Aug-20	\$198,304.56	Developer	\$4,072,647.52	\$9,755,470.62	\$13,828,118.14
6	13-Aug-20	\$59,434.29	Developer	\$4,132,081.81	\$9,755,470.62	\$13,887,552.43
7	14-Sep-20	\$368,736.01	Developer	\$4,500,817.82	\$9,755,470.62	\$14,256,288.44
8	5-Nov-20	\$46,075.74	City	\$4,500,817.82	\$9,801,546.36	\$14,302,364.18
9	6-Nov-20	\$9,968.70	Developer	\$4,510,786.52	\$9,801,546.36	\$14,312,332.88
10	6-Nov-20	\$-	City	\$4,510,786.52	\$9,801,546.36	\$14,312,332.88
11	9-Nov-20	\$112,619.64	Developer	\$4,623,406.16	\$9,801,546.36	\$14,424,952.52
12	18-Feb-21	\$355,101.47	City	\$4,623,406.16	\$10,156,647.83	\$14,780,053.99
13	25-Feb-21	\$-	Developer	\$4,623,406.16	\$10,156,647.83	\$14,780,053.99
14	21-Dec-20	\$357,707.61	Developer	\$4,981,113.77	\$10,156,647.83	\$15,137,761.60
15	12-May-21	\$151,749.52	Developer	\$5,132,863.29	\$10,156,647.83	\$15,289,511.12
16	17-Jun-21	\$286,014.16	City	\$5,132,863.29	\$10,442,661.99	\$15,575,525.28
17	13-Jun-21	\$1,899,292.34	Developer	\$7,032,155.63	\$10,442,661.99	\$17,474,817.62
18	1-Jul-21	\$89,806.24	City	\$7,032,155.63	\$10,532,468.23	\$17,564,623.86
19	21-Aug-21	\$529,682.59	Developer	\$7,561,838.22	\$10,532,468.23	\$18,094,306.45
20	29-Oct-21	\$362,979.34	Developer	\$7,924,817.56	\$10,532,468.23	\$18,457,285.79
21	16-Nov-21	\$-	City	\$7,924,817.56	\$10,532,468.23	\$18,457,285.79
22	18-Jan-22	\$49,976.52	City	\$7,924,817.56	\$10,582,444.75	\$18,507,262.31
23	10-Jan-22	\$2,934,051.14	Developer	\$10,858,868.70	\$10,582,444.75	\$21,441,313.45
24	10-Feb-22	\$77,410.39	Developer	\$10,936,279.09	\$10,582,444.75	\$21,518,723.84
25	10-Feb-22	\$134,475.20	Developer	\$11,070,754.29	\$10,582,444.75	\$21,653,199.04
26	PENDING	\$338,393.00	City	\$11,070,754.29	\$10,920,837.75	\$21,991,592.04

RECOMMENDATION:

Staff recommends approval of Change Order No. 26 to the construction contract with DeNucci Constructors, LLC, for the Northline Phase 1 project for city improvements, increasing the contract term by twenty (20) days and the contract cost by \$338,393.00; and authorization of the City Manager to negotiate and execute any and all necessary documents.

PRESENTER:

Ross E. Blacketter, P.E., City Engineer

Fiscal Impact

Amount requested: \$338,393
Approved in current budget (Yes / No): Yes
Expenditure (New / Amended): Amended
Recurring or one-time: One-Time
Fund source (Operating / Utility / etc.): Operating 57-01-8039

Attachments

1. Change Order #26

CHANGE ORDER NO.: 26 REV 2

Developer (Owner):	Northline Leander Development Company, LLC	Developer's Project No.:	19-TOD-PCIP-032
City (Owner):	City of Leander	City's Project No.:	19-TOD-PCIP-032
Engineer:	WGI	Engineer's Project No.:	30174028, 30184028
Contractor:	DeNucci Constructors, LLC	Contractor's Project No.:	40163
Project:	Northline – Phase 1		
Contract Name:	Northline – Phase 1		
Date Issued:	1/26/2022	Effective Date of Change Order:	1/26/2022

The Contract is modified as follows upon execution of this Change Order:

Description: **CITY Related Items CO:**

COP 70 Remove and replace subgrade with select fill per COL directive.

Attachments: COP 70

Change in Contract Price		Change in Contract Times	
Original Contract Price:		Original Contract Times:	
Developer Contract:	\$3,674,728.00	Substantial Completion:	540 days
City Contract	\$9,743,809.00	Ready for final payment:	90 days Following
Increase from previously approved Change Orders No. 1 to No.25:		Increase from previously approved Change Orders 1 to No 25	
Developer Contract:	\$7,396,026.29	Substantial Completion:	322
City Contract	\$838,635.75	Ready for final payment:	0
Contract Price prior to this Change Order:		Contract Times prior to this Change Order:	
Developer Contract:	\$11,070,754.29	Substantial Completion:	862
City Contract	\$10,582,444.75	Ready for final payment:	90 days Following
Increase this Change Order:		Increase this Change Order:	
Developer Contract:	-0-	Substantial Completion:	20
City Contract	\$338,393.00	Ready for final payment:	0
Contract Price incorporating this Change Order:		Contract Times with all approved Change Orders:	
Developer Contract:	\$11,070,754.29	Substantial Completion:	882
City Contract	\$10,920,837.75	Ready for final payment:	90 days Following

SIGNATURES:

Recommended by Engineer:

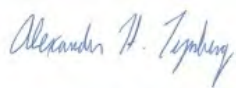
WGI



Signature Date 2022.02.09

Authorized by Developer (if required):

Northline Leander Development Company, LLC



Signature Date 2/10/22

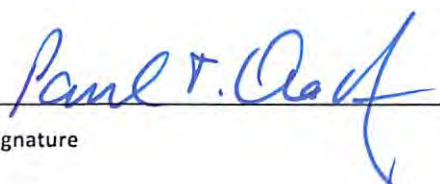
Authorized by City (if required):

City of Leander

Signature Date

Accepted by GC:

DeNucci Constructors, LLC



Signature Date 2/8/22

✓

Date: 1/6/2022

COP to remove and replace subgrade with select fill per COL inspector directive - Includes entire PH 1 roadway construction plus blocks STU. Does not include any work on San Gabriel east of main street, as Arias labs inspected the proof roll in that area and did not direct DeNucci to remove and replace. Material used was on site from pond excavation. Unit prices are from base bid.

Position	Quantity	RT Hrs	OT Hrs	RT Rate	OT Rate	Total
General Superintendent				\$84.52		\$0.00
Superintendent				\$54.32		\$0.00
Office Engineer				\$37.85		\$0.00
Office Administrator				\$27.00		\$0.00
Bookkeeper/AP				\$21.00		\$0.00
Utility Superintendent				\$41.33		\$0.00
Operators				\$24.50		\$0.00
Pipe Layers				\$24.50		\$0.00
Laborers				\$24.00		\$0.00
Concrete Superintendent				\$55.00		\$0.00
Concrete Form Setter				\$31.00		\$0.00
Concrete Finisher				\$26.00		\$0.00
Delivery Driver				\$30.00		\$0.00
Truck Driver				\$35.00		\$0.00
					Subtotal	\$0.00

Description	Quantity	Unit	Rate	Total
				\$0.00
				\$0.00
				\$0.00
				\$0.00
			Subtotal	\$0.00

Description	Total
Subtotal	\$0.00

[illegible]

Description	Quantity	Unit	Operating Cost/Day	FHWA Rate	Total
Telescoping lift rental		days		\$266.00	\$0.00
329 Excavator		HR		\$138.11	\$0.00
299 Skidsteer		HR		\$51.11	\$0.00
Triaxle Truck		Day		\$650.00	\$0.00
					\$0.00
					\$0.00
				Subtotal	\$0.00

Labor		\$0.00
Labor Burden	55%	\$0.00
Labor P&O	15%	\$0.00
Material		\$0.00
Material P&O	25%	\$0.00
Subcontractor		\$0.00
Subcontractor P&O	25%	\$0.00
Unit Price Item		\$335,042.57
Equipment		\$0.00
Bond	1%	\$3,350.43
TOTAL		\$338,393.00

Additional days requested: 20

COP #70

Remove and Replace Subgrade with Select Fill Per COL Directive

This change order proposal involves removing and replacing the subgrade with select fill per the City of Leander directive. This COP includes the entire PH 1 roadway construction (not including San Gabriel Pkwy) plus block S, T, and U. San Gabriel Pkwy has been under construction since December. Arias labs inspected the proof roll in that area and did not direct DeNucci to remove and replace anymore material. (1/4/2022). Material used was on site from pond excavation. Unit prices are from the base bid.

So far DeNucci has removed and replaced 54,331 SY on the Northline Project. Phase 1 (50,835 SY) and Blocks S, T, and U (3,496 SY). During this job we have replaced between 4" and 12" in all roadway areas. DeNucci believes 6" is the correct number to use across the job in order to convert to CY.

$$54,331 \text{ SY} = 488,979 \text{ SF}$$

$$488,979 \times .05' = 244,489.50 \text{ CF}$$

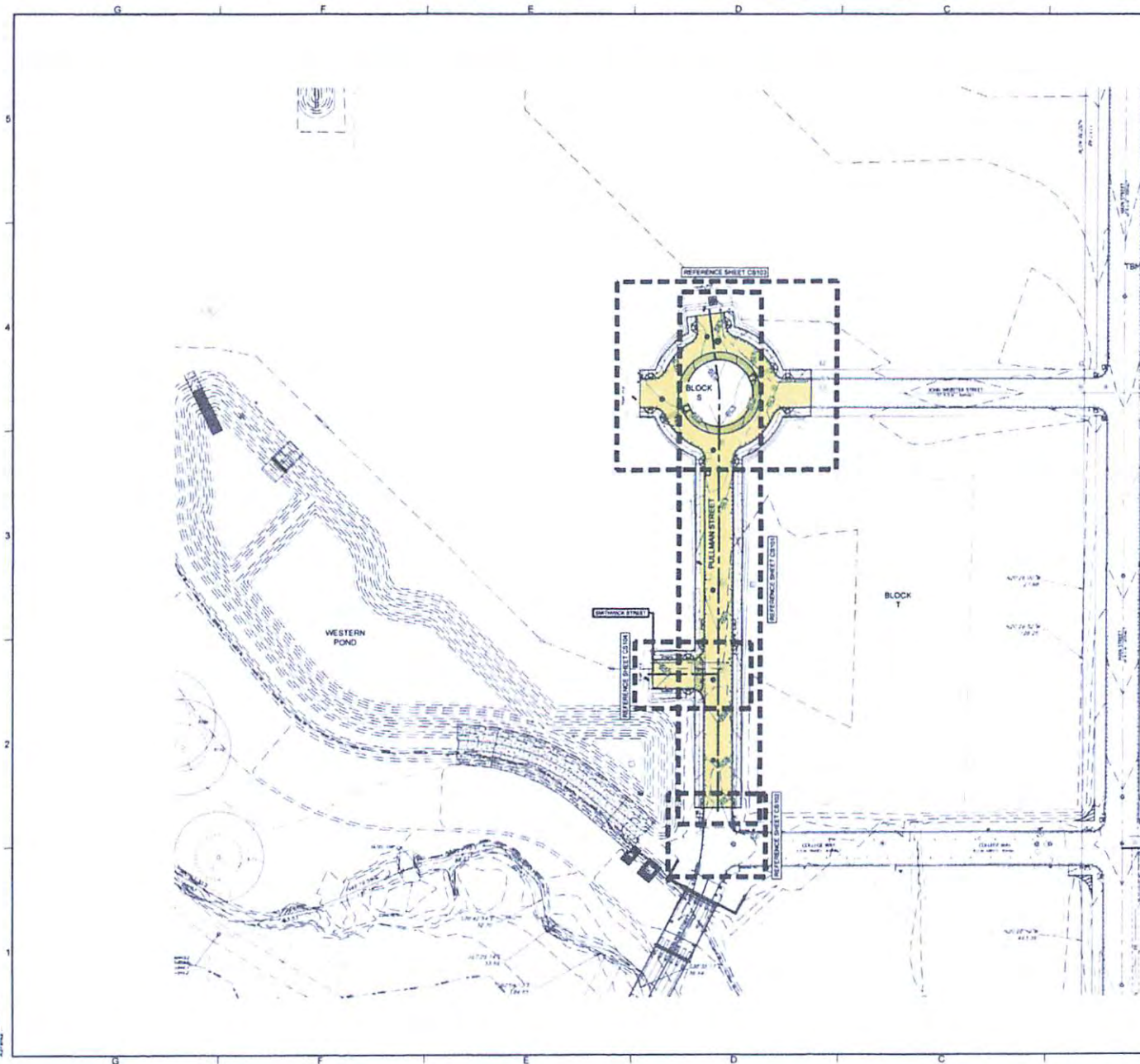
$$244,489.50 \text{ CF} / 27 = 9,055.17 \text{ CY of material that has been removed and replaced}$$

$$\text{The price to excavate material is } \$5/\text{CY} = \$45,275$$

$$\text{The price to install select fill (found on site) is } \$32/\text{CY} = \$289,766.72$$

Total COP with bond is \$338,393

THIS PLAN AND SPECIFICATIONS SHALL BE CONSIDERED A PART OF THE CONTRACT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE ACCURACY OF THE LOCATION OF UNDERGROUND UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR AVOIDING ALL EXISTING UTILITIES BY CALLING OUTSIDE OF OCCUPANCY MARKS (BOLDS) FOR THE BUILDINGS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION OF ALL UTILITIES AT LEAST 10 FEET PRIOR TO BEGINNING CONSTRUCTION.



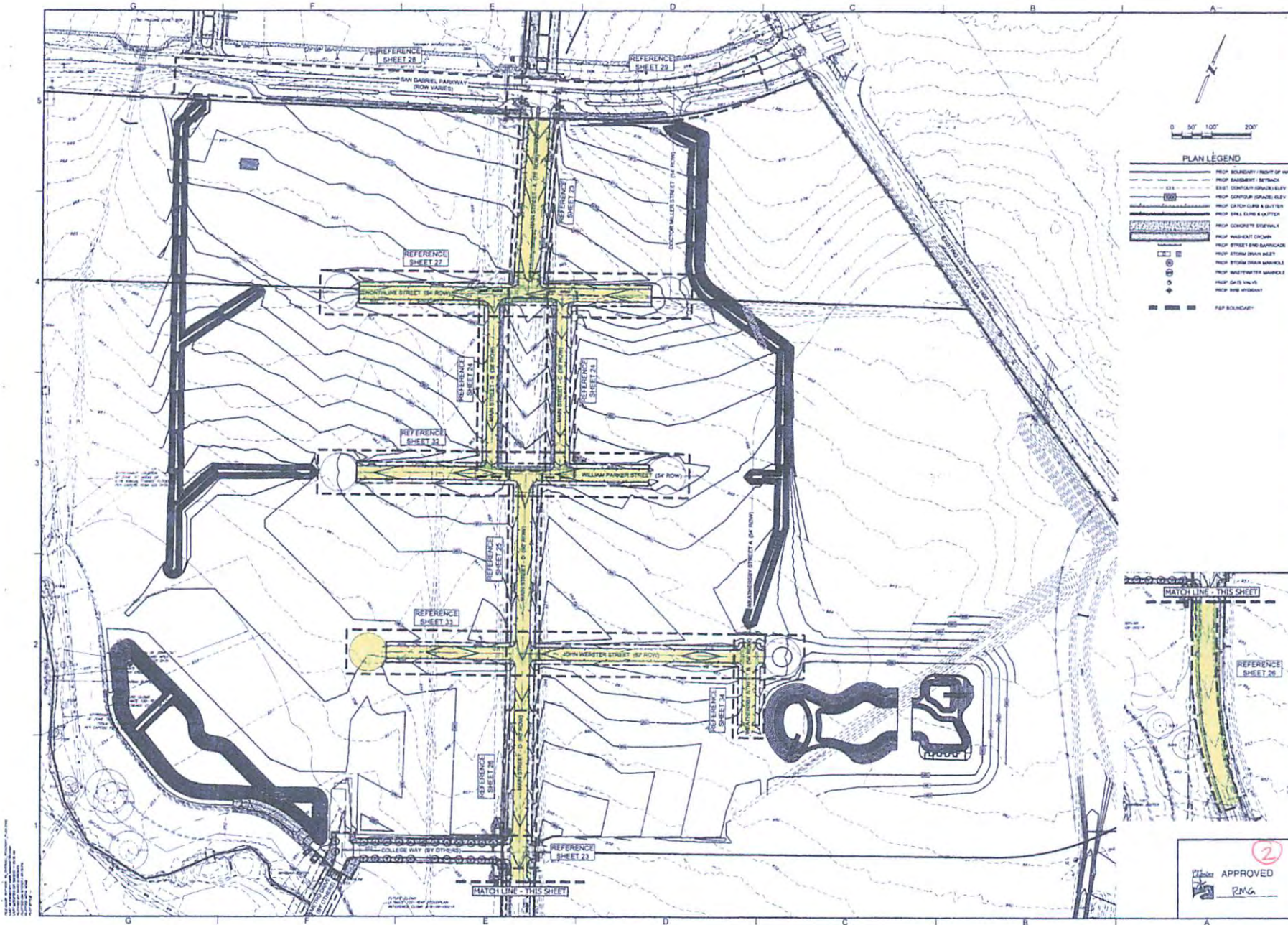
PLAN LEGEND

	PROPOSED BOUNDARY (RIGHT OF WAY)
	PROPOSED EASEMENT (SETBACK)
	EXISTING CONTOUR (GROUND ELEVATION)
	PROPOSED CONTOUR (GROUND ELEVATION)
	PROPOSED CATCH BASIN & OUTLET
	PROPOSED STORM DRAIN & OUTLET
	PROPOSED CONCRETE STRUCTURE TO BE COMPLETED AT SITE
	PROPOSED PAVEMENT CROWN
	PROPOSED STREET AND BARRIER
	PROPOSED STORM DRAIN INLET
	PROPOSED STORM DRAIN MANHOLE
	PROPOSED WASTEWATER MANHOLE
	PROPOSED GATE VALVE
	PROPOSED FIRE HYDRANT

- NOTES**
1. THE SITE AND LOCATION OF UTILITY STRUCTURES OF EXISTING AND PROPOSED UTILITIES SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR AVOIDING ALL EXISTING UTILITIES BY CALLING OUTSIDE OF OCCUPANCY MARKS (BOLDS) FOR THE BUILDINGS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION OF ALL UTILITIES AT LEAST 10 FEET PRIOR TO BEGINNING CONSTRUCTION.
 2. THE SITE AND LOCATION OF UTILITY STRUCTURES OF EXISTING AND PROPOSED UTILITIES SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR AVOIDING ALL EXISTING UTILITIES BY CALLING OUTSIDE OF OCCUPANCY MARKS (BOLDS) FOR THE BUILDINGS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION OF ALL UTILITIES AT LEAST 10 FEET PRIOR TO BEGINNING CONSTRUCTION.
 3. DIMENSIONS SHOWN IN PLAN ARE REFERENCED TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
 4. THERE ARE EXISTING AND PROPOSED UTILITIES ON THE SITE.
 5. REFERENCE SHEET C-100 FOR ADDITIONAL INFORMATION.
 6. REFERENCE SHEET C-100 FOR GENERAL NOTES.
 7. REFERENCE SHEET C-100 FOR LIMITS OF CONSTRUCTION SHOWN IN THE LAYOUT & RECONSTRUCTION CONTROL PLAN.
 8. REFERENCE SHEET C-100 FOR CONSTRUCTION AND STAGING PLAN.
 9. REFERENCE SHEET C-100 FOR CONSTRUCTION CONTROL PLAN.
 10. REFERENCE SHEET C-100 FOR TYPICAL STREET SECTION.
 11. ALL PUBLIC SIDEWALKS, STREET TREES/LANDSCAPING AND OTHER IMPROVEMENTS SHALL BE COMPLETED WITHIN THE PUBLIC RIGHT OF WAY OF ANY DISCREPANCIES. THE ENGINEER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE LOCATION OF UNDERGROUND UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR AVOIDING ALL EXISTING UTILITIES BY CALLING OUTSIDE OF OCCUPANCY MARKS (BOLDS) FOR THE BUILDINGS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION OF ALL UTILITIES AT LEAST 10 FEET PRIOR TO BEGINNING CONSTRUCTION.

APPROVED
[Signature]

 WGL WILLIAMSON COUNTY TEXAS	
 WILLIAMSON COUNTY, TEXAS	
PROJECT: NORTHLINE - BLOCKS S, T, & U SWC 183A & SAN GABRIEL PARKWAY LEANDER, WILLIAMSON COUNTY, TEXAS 78641	
SHEET TITLE: BLOCK T - OVERALL ROAD LAYOUT	
SHEET CS100 23 OF 100 20-TOD-PICP-050	5 APPROVED [Signature]



PLAN LEGEND

	PROP. BOUNDARY - RIGHT OF WAY
	PROP. BOUNDARY - SETBACK
	EXIST. CONTIGUOUS PROPERTY ELEV.
	PROP. CENTERLINE ELEV.
	PROP. CENTERLINE & ELEV.
	PROP. SIDEWALK ELEV.
	PROP. CONCRETE SIDEWALK
	PROP. WALKWAY CROWN
	PROP. STREET END BARRICADE
	PROP. AT-RISK DRAINAGE
	PROP. EXISTING DRAINAGE
	PROP. WASTEWATER MAINS
	PROP. GAS VALVES
	PROP. FIRE HYDRANT
	PROP. BOUNDARY



WGL Inc.

www.wglinc.com

For R1 Only 7 May 2020

PROJECT

NORTHLINE - PHASE 1

SVC 183A & SAN GABRIEL PARKWAY

LEANDER, WILLIAMSON COUNTY, TEXAS 78641

SHEET TITLE

OVERALL ROADWAY PLAN

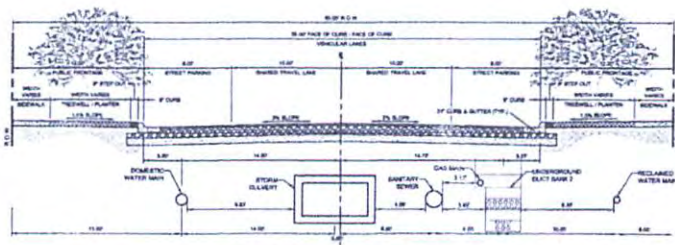
SHEET

20

20 OF 182

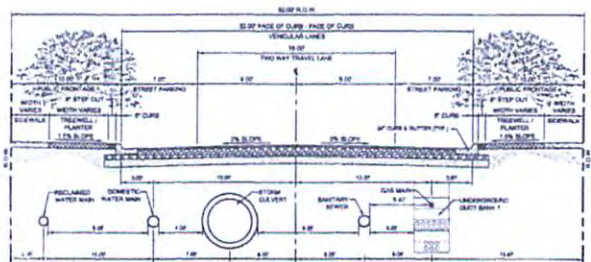
APPROVED

P.M.G.



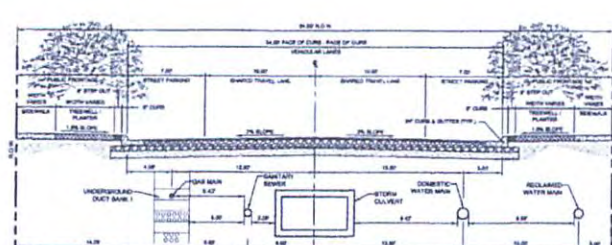
THOROUGHFARE CROSS-SECTION TYPE CS-50-34
SCALE: 1" = 4'-0"

NOTE:
UTILITIES ARE SHOWN FOR GRAPHICAL PURPOSES ONLY AND
GENERAL UTILITY ASSIGNMENTS WITHIN THE ROADWAY RIGHTS
OF WAY SHALL BE MADE BY THE ENGINEER. SECTION SHOWN ARE
BASED ON MOST CONSERVATIVE UTILITY SIZES.



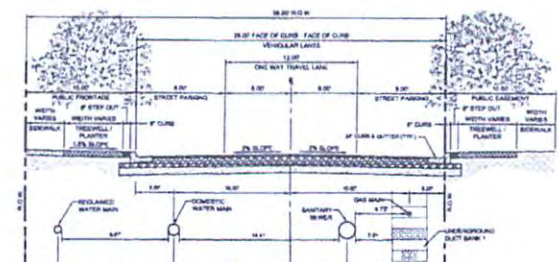
THOROUGHFARE CROSS-SECTION TYPE BT-52-32
JOHN WINTER STREET

NOTE:
UTILITIES ARE SHOWN FOR GRAPHICAL PURPOSES ONLY AND
GENERAL UTILITY ASSIGNMENTS WITHIN THE ROADWAY RIGHTS
OF WAY SHALL BE MADE BY THE ENGINEER. SECTION SHOWN ARE
BASED ON MOST CONSERVATIVE UTILITY SIZES.



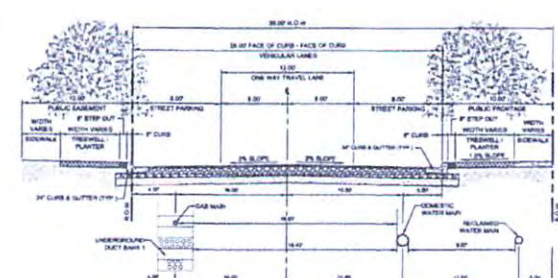
THOROUGHFARE CROSS-SECTION TYPE CS-54-34
NORTLINE STREET, WILSON PARKWAY STREET, WEATHERS STREET, COLLEGE WAY

NOTE:
UTILITIES ARE SHOWN FOR GRAPHICAL PURPOSES ONLY AND
GENERAL UTILITY ASSIGNMENTS WITHIN THE ROADWAY RIGHTS
OF WAY SHALL BE MADE BY THE ENGINEER. SECTION SHOWN ARE
BASED ON MOST CONSERVATIVE UTILITY SIZES.



THOROUGHFARE CROSS-SECTION TYPE CS-38-28
MAIN STREET S (EAST)

NOTE:
UTILITIES ARE SHOWN FOR GRAPHICAL PURPOSES ONLY AND
GENERAL UTILITY ASSIGNMENTS WITHIN THE ROADWAY RIGHTS
OF WAY SHALL BE MADE BY THE ENGINEER. SECTION SHOWN ARE
BASED ON MOST CONSERVATIVE UTILITY SIZES.



THOROUGHFARE CROSS-SECTION TYPE CS-38-28
SCALE: 1" = 4'-0"

NOTE:
UTILITIES ARE SHOWN FOR GRAPHICAL PURPOSES ONLY AND
GENERAL UTILITY ASSIGNMENTS WITHIN THE ROADWAY RIGHTS
OF WAY SHALL BE MADE BY THE ENGINEER. SECTION SHOWN ARE
BASED ON MOST CONSERVATIVE UTILITY SIZES.

FLEXIBLE PAVEMENT SECTION
(COMMERCIAL COLLECTOR)
2" HOT MIX ASPHALT, TYPE "D", SURFACE COURSE
2" HOT MIX ASPHALT, TYPE "D", SURFACE COURSE
12" GEOTEXTILE REINFORCED FLEXIBLE BASE, BASE COURSE
8" MOISTURE CONDITIONED SUBGRADE

RIGID PAVEMENT SECTION
(COMMERCIAL COLLECTOR)
8" REINFORCED CONCRETE
8" FLEXIBLE BASE
8" MOISTURE CONDITIONED SUBGRADE

CONTRACTOR SHALL PREPARE AND SUBMIT A CONTROL EXPANSION JOINT PLAN FOR ALL RIGID PAVEMENT SECTIONS FOR APPROVAL BY THE CITY OF LEANDER AND THE ENGINEER OF RECORD A MINIMUM OF 2 WEEKS PRIOR TO COMMENCING ANY OF THE PROPOSED SCOPE OF WORK.

FLEXIBLE PAVEMENT SECTION
(SAN GABRIEL PARKWAY ONLY)
2" HOT MIX ASPHALT, TYPE "D", SURFACE COURSE
2" HOT MIX ASPHALT, TYPE "D", SURFACE COURSE
12" GEOTEXTILE REINFORCED FLEXIBLE BASE, BASE COURSE
8" MOISTURE CONDITIONED SUBGRADE

PAVER PAVEMENT SECTION
(COMMERCIAL COLLECTOR)
2" VERONA (P12123) PAVEMENT
1" 1" SAND AND CONCRETE MIX PER MANUFACTURER
8" REINFORCED CONCRETE
8" FLEXIBLE BASE
8" MOISTURE CONDITIONED SUBGRADE

REFERENCE CONSTRUCTION DETAILS SHEET (121) FOR PAVEMENT DETAIL.

TEMPORARY FIRE TRUCK TURNAROUND PAVEMENT SECTION
2" HOT MIX ASPHALT, TYPE "D", SURFACE COURSE
12" GEOTEXTILE REINFORCED FLEXIBLE BASE, BASE COURSE
8" MOISTURE CONDITIONED SUBGRADE

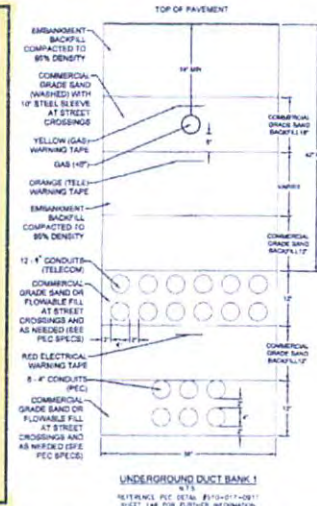
NOTES:
1. PAVEMENT DESIGN IS BASED UPON DRYER SOIL CONDITIONS AND TRAFFIC PROJECTIONS AS PROVIDED BY ARAS GROUP'S DESIGN & INC. IN GEOTECHNICAL REPORT DATED JANUARY 3, 2018. ARAS PROJECT NO. 2017-001. ADDENDUM 1 DATED DECEMBER 14, 2018. ADDENDUM 2 DATED JANUARY 18, 2020. REPORT DATED JANUARY 18, 2020.

2. FLEXIBLE BASE, GEOTEXTILE AND SUB-BASE TO EXTEND 1' (MIN) PAST BACK OF CURB FOR SOILS WITH PI OF 20 OR LESS. 2' FOR ALL OTHER SOILS.

3. SLOPES FROM BACK OF CURB TO RIGHT-OF-WAY SHALL BE 2% UNLESS OTHERWISE INDICATED ON THE GRADING PLAN.

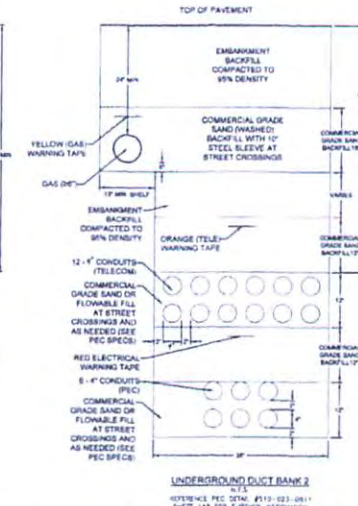
4. CONTRACTOR SHALL VERIFY PAVEMENT SECTIONS WITH GEOTECHNICAL ENGINEER PRIOR TO CONSTRUCTION. HANDBOOK GROUP INC. MAKES NO REPRESENTATION OR WARRANTIES IN REGARD TO THE GEOTECHNICAL INFORMATION CONTAINED HEREIN.

5. TEXAS TRAX 1A IS GEOTEXTILE OR APPROVED EQUIVALENT IS RECOMMENDED AND SHOULD BE PLACED AT THE BOTTOM OF THIS FLEX BASE LAYER WITH 1 FOOT OF OVERLAP AT GRADING BODIES.



UNDERGROUND DUCT BANK 1
SCALE: 1" = 4'-0"

REFERENCE: PEC DETAIL #113-021-0011
SHEET 144 FOR FURTHER INFORMATION



UNDERGROUND DUCT BANK 2
SCALE: 1" = 4'-0"

REFERENCE: PEC DETAIL #113-021-0011
SHEET 144 FOR FURTHER INFORMATION

APPROVED
RNG



PROJECT
NORTLINE - PHASE 1
SWC 183A & SAN GABRIEL PARKWAY
LEANDER, WILLIAMSON COUNTY, TEXAS 78641

SHEET
22
22 OF 182

11wgl.com
WGL INC.

Northline PH 1.2 Blocks S, T and U Pricing

May-21



PAGE 1 of 4

ITEM	QTY	UNIT	UNIT PRICE Base Bid	UNIT PRICE May-21	TOTAL May-21
DEMO					
Demo/dispose Duct Bank	50	LF	\$ 65.00	\$ 65.00	\$ 3,250.00
Saw Cut Pavement	127	LF	\$ 12.00	\$ 12.00	\$ 1,524.00
Demo/haul off Storm line 48"	25	LF	\$ 65.00	\$ 65.00	\$ 1,625.00
Convert Inlet to Junction Box	1	EA	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00
Total Demo					\$ 8,899.00
EROSION CONTROLS					
SCE	4	EA	\$ 1,200.00	\$ 1,200.00	\$ 4,800.00
Inlet Protection	23	EA	\$ 85.00	\$ 85.00	\$ 1,955.00
Silt Fence	3636	LF	\$ 3.00	\$ 3.00	\$ 10,908.00
Mulch Sock	434	LF	\$ 12.00	\$ 12.00	\$ 5,208.00
Concrete Wash-Out	4	EA	\$ 800.00	\$ 800.00	\$ 3,200.00
Rock Rip Rap	32	SY	\$ 65.00	\$ 65.00	\$ 2,080.00
Total Erosion Controls					\$ 28,151.00
STORM					
6x4 RBC	126	LF	\$ 450.00	\$ 502.88	\$ 63,362.25
18" RCP	440	LF	\$ 46.00	\$ 51.41	\$ 22,618.20
24" RCP	73	LF	\$ 60.00	\$ 67.05	\$ 4,894.65
36" RCP	32	LF	\$ 105.00	\$ 117.34	\$ 3,754.80
48" RCP	164	LF	\$ 205.00	\$ 229.09	\$ 37,570.35
Connect 48" RCP to Existing 6x6 JB	1	EA	\$ 1,600.00	\$ 1,788.00	\$ 1,788.00
Connect 18" RCP to Existing 3x3 JB	1	EA	\$ 1,200.00	\$ 1,341.00	\$ 1,341.00
Connect 6x4 RBC to existing 8x4 RBC	1	EA	\$ 1,400.00	\$ 1,564.50	\$ 1,564.50
6x6 JB	3	EA	\$ 5,500.00	\$ 6,146.25	\$ 18,438.75
10' Curb Inlet	10	EA	\$ 4,800.00	\$ 5,364.00	\$ 53,640.00

PAGE 2 of 4

3x3 JB	3	EA	\$ 2,800.00	\$ 3,129.00	\$ 9,387.00
8x8 JB	1	EA	\$ 10,500.00	\$ 11,733.75	\$ 11,733.75
5x5 Area Inlet w/Apron	1	EA	\$ 4,800.00	\$ 5,364.00	\$ 5,364.00
4' MH	1	EA	\$ 4,200.00	\$ 4,693.50	\$ 4,693.50
Extra Depth manhole	5	LF	\$ 375.00	\$ 419.06	\$ 2,095.31
Convert 6x6 grate inlet to JB and MH riser	1	EA	\$ 2,200.00	\$ 2,458.50	\$ 2,458.50
RCB Custom Bends CIP	2	EA	\$ 4,400.00	\$ 4,917.00	\$ 9,834.00
Connect to existing	2	EA	\$ 1,200.00	\$ 1,341.00	\$ 2,682.00
				Total Storm	\$ 257,220.56
WATER					
12" PVC All Depths	1536	LF	\$ 88.00	\$ 115.54	\$ 177,475.58
Air Release Valve assembly	1	EA	\$ 3,800.00	\$ 4,989.40	\$ 4,989.40
Blow-off assembly 2"	4	EA	\$ 1,200.00	\$ 1,575.60	\$ 6,302.40
Connect to existing 12"	4	EA	\$ 800.00	\$ 1,050.40	\$ 4,201.60
Fire Hydrants	4	EA	\$ 4,800.00	\$ 6,302.40	\$ 25,209.60
24" Steel casing and spacers	93	LF	\$ 127.26	\$ 167.09	\$ 15,539.59
12" Gate Valve	1	EA	\$ 2,600.00	\$ 3,413.80	\$ 3,413.80
Ductile Iron Fittings	1.5	TN	\$ 18,000.00	\$ 18,000.00	\$ 27,000.00
				Total Water	\$ 264,131.98
RECLAIMED WATER					
3" PVC all depths	480	LF	\$ 38.00	\$ 45.52	\$ 21,851.52
				\$ -	\$ -
6" PVC All Depths	141	LF	\$ 48.00	\$ 57.50	\$ 8,108.06
				\$ -	\$ -
8" PVC All Depths	116	LF	\$ 52.00	\$ 62.30	\$ 7,226.34
				\$ -	\$ -
3" Gate Valve	2	EA	\$ 800.00	\$ 1,050.40	\$ 2,100.80
6" Gate Valve	2	EA	\$ 1,100.00	\$ 1,444.30	\$ 2,888.60
8" Gate Valve	4	EA	\$ 2,600.00	\$ 3,413.80	\$ 13,655.20
Ductile Iron Fittings	0.55	TN	\$ 18,000.00	\$ 18,000.00	\$ 9,900.00
Blow-off assembly 2"	2	EA	\$ 1,200.00	\$ 1,575.60	\$ 3,151.20
Connect to Existing	1	EA	\$ 800.00	\$ 1,050.40	\$ 1,050.40
				Total Reclaimed Water	\$ 69,932.12

WASTEWATER

8" SDR 26 All Depths	1287	LF	\$ 47.50	\$ 67.28	\$ 86,594.19
Steel Encasement & Spacers 24"	20	LF	\$ 127.26	\$ 180.26	\$ 3,605.28
48" MANHOLE	6	EA	\$ 4,800.00	\$ 5,253.60	\$ 31,521.60
Extra Depth Manhole	40	LF	\$ 400.00	\$ 566.60	\$ 22,664.00
8" Double Clean-out	4	EA	\$ 650.00	\$ 920.73	\$ 3,682.90
Connect to Ex MH	1	EA	\$ 1,200.00	\$ 1,313.40	\$ 1,313.40
Connect to Ex 8"	1	EA	\$ 800.00	\$ 875.60	\$ 875.60
Total Wastewater					\$ 150,256.96

SITework

Excavation	1587	CY	\$ 5.00	\$ 5.50	\$ 8,728.50
Embankment	809	CY	\$ 5.00	\$ 5.50	\$ 4,449.50
Prepare Subgrade	3496	SY	\$ 3.00	\$ 3.30	\$ 11,536.80
Box Culvert Excavation and Backfill	112	CY	\$ 3.00	\$ 3.30	\$ 369.60
Concrete Curb & Gutter	2951	LF	\$ 16.00	\$ 17.60	\$ 51,937.60
2" HMAc TYPE D	6344	SY	\$ 12.00	\$ 13.20	\$ 83,740.80
2" HMAc TYPE C	6344	SY	\$ 12.00	\$ 13.20	\$ 83,740.80
15" Geogrid Reinforced Base	3496	CY	\$ 52.00	\$ 57.20	\$ 199,971.20
Paving Fabric	8391	SY	\$ 4.00	\$ 4.40	\$ 36,920.40
4" Sidewalk	1530	SF	\$ 6.00	\$ 6.60	\$ 10,098.00
ADA Ramps	20	EA	\$ 1,800.00	\$ 1,980.00	\$ 39,600.00
Signage	1	LS	\$ 26,000.00	\$ 28,600.00	\$ 28,600.00
Pavement Markings	1	LS	\$ 12,000.00	\$ 12,000.00	\$ 12,000.00
End of Street Barricades	5	EA	\$ 1,200.00	\$ 1,320.00	\$ 6,600.00
Concrete Paver Units	240	SF	\$ 9.00	\$ 9.90	\$ 2,376.00
Rigid pavement	27	SY	\$ 76.00	\$ 83.60	\$ 2,257.20
Total Sitework					\$ 582,926.40

PROJECT NAME: Northline PH 1 - City Improvements

CONTRACT DeNucci Constructors, LLC
8310-1 N. Capital of Texas Hwy, Ste. 275
Austin, Texas 78731

Date: 1/11/2022

Estimate No.: 21

PROJECT NO.: 19-TOD-PICP-032

CIP ID No.: 0

CT No.: 0

BID ITEM NO.	DESCRIPTION	UNIT	CONTRACT QTY	C.O. #	C.O. INCREASE/DECREASE	ADJUSTED CONTRACT QTY	UNIT PRICE	CONTRACT AMOUNT	UNITS THIS PERIOD	AMOUNT THIS PERIOD	PREVIOUS UNITS COMPLETE	UNITS COMPLETE TO DATE	AMOUNT TO DATE	% COMPLETE
I. STREET (City Improvements)														
101S-C	Preparing Right of Way	L.S.	1			1	\$ 75,000.00	\$ 75,000.00	0.00	\$ -	1.00	1.00	\$ 75,000.00	100.00%
803S-7	Traffic Control, per Lump Sum	L.S.	1			1	\$ 35,000.00	\$ 35,000.00	0.10	\$ 3,500.00	0.65	0.75	\$ 26,250.00	75.00%
104S-A	Remove P.C. Concrete Curb	L.F.	3,007			3,007	\$ 4.00	\$ 12,028.00	0.00	\$ -	3,007.00	3,007.00	\$ 12,028.00	100.00%
110S-B	Street Excavation (Mel Mathis)	C.Y.	19,000			19,000	\$ 5.00	\$ 95,000.00	0.00	\$ -	19,000.00	19,000.00	\$ 95,000.00	100.00%
110S-B	Street Excavation	C.Y.	37,662			37,662	\$ 5.00	\$ 188,310.00	3804.00	\$ 19,020.00	33858.00	37662.00	\$ 188,310.00	100.00%
132S	Embankment (Cut/Fill)	C.Y.	780			780	\$ 5.00	\$ 3,900.00	35.00	\$ 175.00	745.00	780.00	\$ 3,900.00	100.00%
201S	Subgrade Preparation: Moisture Conditioned Subgrade (8" Compacted Depth) including water costs (all sections)	S.Y.	43300			43,300	\$ 2.00	\$ 86,600.00	9741.00	\$ 19,482.00	41094.00	50835.00	\$ 101,670.00	117.40%
FLEXIBLE PAVEMENT (Commercial Collector)														
340S-B	Hot Mix Asphaltic Concrete Pavement, 2" Type D (Surface Course)	S.Y.	12630			12,630	\$ 12.00	\$ 151,560.00	0.00	\$ -	13242.00	13242.00	\$ 158,904.00	104.85%
340S-B	Hot Mix Asphaltic Concrete Pavement, 2" Type C (Surface Course)	S.Y.	12630			12,630	\$ 12.00	\$ 151,560.00	0.00	\$ -	13242.00	13242.00	\$ 158,904.00	104.85%
210S-A	Geogrid Reinforced Flexible Base (15" Compacted Depth)	C.Y.	5147			5,147	\$ 52.00	\$ 267,644.00	0.00	\$ -	6036.00	6036.00	\$ 313,872.00	117.27%
FLEXIBLE PAVEMENT (San Gabriel)														
340S-B	Hot Mix Asphaltic Concrete Pavement, 2" Type D (Surface Course)	S.Y.	5270			5,270	\$ 12.00	\$ 63,240.00	0.00	\$ -	0.00	0.00	\$ -	0.00%
340S-B	Hot Mix Asphaltic Concrete Pavement, 4" Type C (Surface Course)	S.Y.	5270			5,270	\$ 24.00	\$ 126,480.00	0.00	\$ -	0.00	0.00	\$ -	0.00%
210S-A	Geogrid Reinforced Flexible Base (18" Compacted Depth)	C.Y.	3539			3,539	\$ 52.00	\$ 184,028.00	589.00	\$ 30,628.00	0.00	589.00	\$ 30,628.00	16.64%
RIGID PAVEMENT														
360S-A	Reinforced Concrete Pavement (8")	S.Y.	2300			2,300	\$ 72.00	\$ 165,600.00	0.00	\$ -	2349.00	2349.00	\$ 169,128.00	102.13%
210S-A	Geogrid Reinforced Flexible Base (8" Compacted Depth)	C.Y.	600			600	\$ 46.00	\$ 27,600.00	0.00	\$ -	635.00	635.00	\$ 29,210.00	105.83%
480S-10	Concrete Pavers Units (3"/76mm)	S.F.	20100			20,100	\$ 9.00	\$ 180,900.00	0.00	\$ -	20100.00	20100.00	\$ 180,900.00	100.00%
360S-A	Reinforced Concrete Pavement (8")	S.Y.	2770			2,770	\$ 76.00	\$ 210,520.00	0.00	\$ -	3776.00	3776.00	\$ 286,976.00	136.32%
210S-A	Geogrid Reinforced Flexible Base (8" Compacted Depth)	C.Y.	630			630	\$ 52.00	\$ 32,760.00	0.00	\$ -	1492.00	1492.00	\$ 77,584.00	236.83%
TEMPORARY PAVING (TURNAROUNDS)														
340S-B	Hot Mix Asphaltic Concrete Pavement, 2" Type D (Surface Course)	S.Y.	5000	21	(2,500.00)	2,500	\$ 14.00	\$ 35,000.00	0.00	\$ -	818.00	818.00	\$ 11,452.00	32.72%
210S-A	Geogrid Reinforced Flexible Base (12" Compacted Depth)	C.Y.	1667	21	(1,317.00)	350	\$ 52.00	\$ 18,200.00	0.00	\$ -	350.00	350.00	\$ 18,200.00	100.00%
341S	Paving Fabric (TX-5 Geogrid)	S.Y.	27500			27,500	\$ 4.00	\$ 110,000.00	0.00	\$ -	18180.00	18180.00	\$ 72,720.00	66.11%
430S-A	P.C. Concrete Curb & Gutter	L.F.	15000			15,000	\$ 14.00	\$ 210,000.00	0.00	\$ -	10092.00	10092.00	\$ 141,288.00	67.28%
433S-C	Type II P.C. Concrete Driveway	S.F.	5170			5,170	\$ 12.00	\$ 62,040.00	0.00	\$ -	3931.50	3931.50	\$ 47,178.00	76.04%
COL 400-1	Traffic Barricade Type III (Weathersby & College Way)	EA.	3			3	\$ 1,200.00	\$ 3,600.00	0.00	\$ -	0.00	0.00	\$ -	0.00%
824S	Street Name, Block Numbers (Varies x 15")	EA.	18			18	\$ 105.00	\$ 1,890.00	0.00	\$ -	0.00	0.00	\$ -	0.00%
824S	R5-1 Do Not Enter (30"x30") (High Intensity)	EA.	5			5	\$ 650.00	\$ 3,250.00	0.00	\$ -	0.00	0.00	\$ -	0.00%
824S	R6-1 One-Way (36"x12") (High Intensity)	EA.	4			4	\$ 650.00	\$ 2,600.00	0.00	\$ -	0.00	0.00	\$ -	0.00%
824S	R4-7 Stay Right of Median (24"x30") (High Intensity)	EA.	2			2	\$ 650.00	\$ 1,300.00	0.00	\$ -	0.00	0.00	\$ -	0.00%
824S	R1-1 Stop (30") (High Density)	EA.	12			12	\$ 650.00	\$ 7,800.00	0.00	\$ -	0.00	0.00	\$ -	0.00%
871S-A	Reflectorized Type I Thermoplastic Pavement Markings 24 inches in width, 90 mils in thickness, white in color	L.F.	2077			2,077	\$ 9.00	\$ 18,693.00	0.00	\$ -	0.00	0.00	\$ -	0.00%
871S-A	Reflectorized Type I Thermoplastic Pavement Markings 4 inches in width, 90 mils in thickness, white in color	L.F.	3550			3,550	\$ 1.25	\$ 4,438.00	0.00	\$ -	0.00	0.00	\$ -	0.00%
871S-A	Reflectorized Type I Thermoplastic Pavement Markings 4 inches in width, 90 mils in thickness, yellow in color	L.F.	3215			3,215	\$ 1.25	\$ 4,019.00	0.00	\$ -	0.00	0.00	\$ -	0.00%
871S-B	Reflectorized Type I Thermoplastic Pavement Markings (Word), 90 mils in thickness, white in color	EA.	8			8	\$ 450.00	\$ 3,600.00	0.00	\$ -	0.00	0.00	\$ -	0.00%
871S-D	Reflectorized Type I Thermoplastic Pavement Markings (Sym.)	EA.	15			15	\$ 650.00	\$ 9,750.00	0.00	\$ -	0.00	0.00	\$ -	0.00%
SUP	Remobilization for Final Pavement Installation	EA.	6			6	\$ 4,500.00	\$ 27,000.00	0.00	\$ -	0.00	0.00	\$ -	0.00%
SUB-TOTAL (Street Improvements)								\$ 2,580,910.00		\$ 72,805.00			\$ 2,199,102.00	

* Overrun on subgrade directly correlates to the incorrect quantity of Item 360S-A After field measurements were taken

7



EXECUTIVE SUMMARY
03/03/2022

AGENDA SUBJECT:

Approval of the Third Consent to Partial Assignment of the Wedemeyer Development Agreement Case 15-DA-002 regarding the Wedemeyer Development Agreement for a portion of two (2) parcels of land approximately 12.64 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R544612 and R532728; and more commonly known as 1453 CR 267, Leander, Williamson County, Texas.

BACKGROUND:

The original Wedemeyer Development Agreement was executed December 30, 2008 and later restated October 5, 2015. This development is also known as the Bar W Ranch West subdivision that is predominately residential. The portion of the property along Ronald W. Reagan Boulevard is slated for commercial and high density residential uses. The developer wishes to sell a portion of the property to Liberty Hill Independent School District (LHISD). The purpose in this request is to assign a portion of the agreement to LHISD.

APPLICANT/AGENT:

Howard Barkley Wedemeyer

PRESENTER:

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

Attachments

1. COL Consent
2. Executed Assignment
3. Location Exhibit

**THIRD CONSENT TO PARTIAL ASSIGNMENT OF
AMENDED AND RESTATED AGREEMENT REGARDING CONSENT TO
CREATION OF LEANDER MUNICIPAL UTILITY DISTRICTS NO. 1, 2 AND 3 AND
DEVELOPMENT OF THE BAR W RANCH**

THE STATE OF TEXAS §
 §
COUNTY OF WILLIAMSON §

This Third Consent to Partial Assignment of Amended and Restated Agreement Regarding Consent to Creation of Leander Municipal Utility Districts No. 1, 2, and 3 and Development of the Bar W Ranch (this “Consent”) is executed effective as of the date set forth below, by the **City of Leander, Texas**, a home-rule municipality located in Williamson County, Texas (the “City”).

RECITALS

A. The City; Howard Barkley Wedemeyer, a resident of Harris County, Texas (the “Owner”); and Leander Municipal Utility Districts No. 1, 2, and 3 previously entered into an “Amended and Restated Agreement Regarding Consent to Creation of Leander Municipal Utility Districts No. 1, 2 and 3 and Development of the Bar W Ranch” dated effective as of September 17, 2015, and recorded under Document No. 2015089728, Official Public Records of Williamson County, Texas (the “Consent Agreement”). Section 10.03 of the Consent Agreement provides that the Consent Agreement may only be assigned with the prior written consent of the City.

B. By “Consent to Partial Assignment of Amended and Restated Agreement Regarding Consent to Creation of Leander Municipal Utility Districts No. 1, 2 and 3 and Development of the Bar W Ranch” dated effective September 28, 2015, the City consented to the Owner’s partial assignment of its rights and obligations under the Consent Agreement as to portions of the land subject to the Consent Agreement actually sold and conveyed to Harris & Straub, L.L.C., a Texas limited liability company (“Harris & Straub”), or an entity controlling, controlled by, or under common control with Harris & Straub.

C. By “Second Consent to Partial Assignment of Amended and Restated Agreement Regarding Consent to Creation of Leander Municipal Utility Districts No. 1, 2 and 3 and Development of the Bar W Ranch” dated effective March 18, 2021, the City consented to the Owner’s partial assignment of its rights and obligations under the Consent Agreement as to portions of the land subject to the Consent Agreement actually sold and conveyed to Continental Homes of Texas, L.P., a Texas limited partnership.

D. The Owner entered into a contract (the “Purchase and Sale Contract”) to sell and convey approximately 12.64 acres of the land that is subject to the Consent Agreement (the “School Tract”) to Liberty Hill Independent School District, a public independent school district and political subdivision of the State of Texas (“LHISD”), and, in connection with such sale to LHISD, Owner desires to assign certain of its rights and obligations under the Consent Agreement to LHISD.

E. The City wishes to consent to the Owner’s partial assignment of the Owner’s rights and obligations under the Consent Agreement as to the School Tract to LHISD effective as of the date closing of the sale of the School Tract to LHISD.

Therefore, for good and valuable consideration, the receipt and sufficiency of which are acknowledged, the City agrees as follows:

1. Consent of the City. The City hereby consents to the Owner's assignment of its rights and obligations under the Consent Agreement as to the School Tract to LHISD, effective upon the date of closing of the sale of the School Tract to LHISD.

2. Conditions. A copy of: (a) the written assignment from the Owner to LHISD, signed by both the Owner and LHISD which specifically identifies the School Tract and the rights, duties, and obligations assigned and assumed and under which LHISD expressly assumes and agrees to perform all of the assigned duties and obligations; and (b) the recorded deed conveying the School Tract to LHISD have been delivered to the City and are attached to this Consent.

Approved this __ day of_____, 2022.

THE CITY:

CITY OF LEANDER, TEXAS

By:_____

Printed Name:_____

Title:_____

Date:_____

ATTEST:

By:_____

Printed Name:_____

Title:_____

Date:_____

STATE OF TEXAS §
 §
COUNTY OF WILLIAMSON §

 This instrument was acknowledged before me this _____ day of February, 2022 by
_____, _____ of the City of Leander, Texas, on
behalf of the City.

[seal]

NOTARY PUBLIC, State of Texas

**FIFTH PARTIAL ASSIGNMENT OF RIGHTS, DUTIES, AND OBLIGATIONS AND
ASSUMPTION UNDER
AMENDED AND RESTATED AGREEMENT REGARDING CONSENT TO
CREATION OF LEANDER MUNICIPAL UTILITY DISTRICTS NO. 1, 2 AND 3 AND
DEVELOPMENT OF THE BAR W RANCH**

THE STATE OF TEXAS §
 §
COUNTY OF WILLIAMSON §

This Fifth Partial Assignment of Rights, Duties, and Obligations and Assumption Under Amended and Restated Agreement Regarding Consent to Creation of Leander Municipal Utility Districts No. 1, 2 and 3 and Development of the Bar W Ranch (this "Assignment") is executed effective this 16 day of February, 2022 (the "Effective Date"), between **Howard Barkley Wedemeyer**, a resident of Harris County, Texas ("Transferor"), and **Liberty Hill Independent School District**, a public independent school district and political subdivision of the State of Texas ("Transferee"). In this Assignment, the Transferor and Transferee are sometimes referred to individually as a "Party" and collectively as the "Parties".

RECITALS

A. The City of Leander, Texas (the "City"; Transferor; and Leander Municipal Utility District No. 1 ("Leander MUD 1"), Leander Municipal Utility District No. 2 ("Leander MUD 2"), and Leander Municipal Utility District No. 3 ("Leander MUD 3") (individually, a "District" and collectively, the "Districts") previously entered into the Amended and Restated Agreement Regarding Consent to Creation of Leander Municipal Utility Districts No. 1, 2 and 3 and Development of the Bar W Ranch recorded under Document No. 2015089728, Official Public Records of Williamson County, Texas (as amended, the "Consent Agreement"), relating to the creation of the Districts and development of approximately 924 acres of land located in the city limits and extraterritorial jurisdiction of the City (the "Land").

B. On the Effective Date Transferor has sold and conveyed and Transferee has purchased the 12.64 acre tract out of the Land described on the attached **Exhibit A** (the "School Site") and, in connection with the sale, Transferor has agreed to assign certain rights, duties and obligations under the Consent Agreement related to the School Site (the "Assigned Duties and Obligations") to Transferee and Transferee has agreed to assume and perform the Assigned Duties and Obligations.

C. Transferor has requested the City's consent to the assignment and assumption of the Assigned Rights and Obligations regarding the School Site in the form of the Third Consent to Partial Assignment of Amended and Restated Agreement Regarding Consent to Creation of Leander Municipal Utility Districts No. 1, 2, and 3 and Development of the Bar W Ranch attached as **Exhibit B** (the "City Consent").

Therefore, for good and valuable consideration, the receipt and sufficiency of which are acknowledged, the Parties agree as follows:

1. Partial Assignment. Transferor hereby assigns the following rights, duties and obligations under the Consent Agreement to Transferee:

(a) all rights, benefits, duties and obligations pertaining to the development of the School Site, including those arising under Article IV (Development Matters), excluding Section 4.16; Article VII (Easement and Franchise); and Section 9.02 (Annexation of Districts); Article X (Term, Effectiveness, Assignment and Remedies); and Article XI (Miscellaneous Provisions);

(b) all rights, duties and obligations pertaining to water and wastewater facilities and services to be provided for or to the School Site, including those arising under Article V (Water Facilities and Services) and Sections 6.01, 6.02, 6.07, 6.08 and 6.09 and Article VI (Wastewater Service);

(c) all rights, duties and obligations that are incidental to the foregoing rights or are necessary for the use and enjoyment of such rights for the purposes intended by this Assignment or any duties and obligations that are incidental to the full performance of or required to effectuate any of the Assigned Duties and Obligations.

2. Acceptance of Assumption. Transferee accepts the foregoing assignment and expressly assumes and agrees to perform the Assigned Duties and Obligations.

3. City Consent. Transferor and Transferee agree to cooperate to obtain the City's approval of the City Consent. However, as between the Parties, the assignment and assumption of the Assigned Rights and Obligations will be effective upon the closing of the sale of the School Site from Transferor to Transferee.

4. Indemnity. To the extent permitted by applicable law, Transferee, to the extent allowed by law, agrees to indemnify and hold Transferor harmless from and against any liabilities relating to the Assigned Duties and Obligations arising on or after the date of this Assignment. Transferor agrees to indemnify Transferee from and against any liabilities relating to any duties and obligations arising under the Consent Agreement retained by Transferor; however, such indemnity expressly does not include any liabilities relating to the Assigned Rights and Obligations or relating to any duties and obligations previously by Transferor.

5. Binding Effect. This Assignment will run with the land comprising the School Site and be binding upon Transferee and its successors and assigns and any future owner of the School Site; provided, however, that, as provided in Section 10.06 of the Consent Agreement, neither the Consent Agreement nor Transferee's assumption of rights, duties and obligations thereunder will be binding on or create any encumbrance to title as to any end-buyer of all or any portion of the School Site that is fully developed and improved, except for land use and development regulations and the obligation to pay System Reservation Fees, Connection Fees and Impact Fees, as defined in the Consent Agreement, that are applicable to the property in question.

6. Delivery to City. In accordance with the terms of the City Consent, promptly upon full execution of this Assignment and Transferor's receipt of a copy of the recorded deed conveying the School Site to Transferee, Transferor agrees to (i) transmit an executed original of this Assignment and a copy of the recorded deed to the City Manager of the City; and (ii) give the City notice of designation of Transferee as an additional party to receive copies of notices under the Consent Agreement at the address of Transferee indicated below its signature on this Assignment.

7. Execution. To facilitate execution, this Assignment may be executed in any number of counterparts, and it will not be necessary that the signatures of all Parties be contained on any one counterpart. Additionally, for purposes of facilitating the execution of this Assignment the signature pages taken from separate, individually executed counterparts of this Assignment may

be combined to form multiple fully executed counterparts and a facsimile signature will be deemed to be an original signature for all purposes. All executed counterparts of this Assignment will be deemed to be originals, but such counterparts, when taken together, will constitute one and the same instrument.

8. Exhibits. The following exhibits are attached to this Assignment and incorporated herein by reference:

<u>Exhibit "A"</u>	-	School Site
<u>Exhibit "B"</u>		City Consent

EXECUTED on the date or dates set forth below, to be effective as of the Effective Date.

[Remainder of page intentionally left blank. Signature pages follow.]

TRANSFEROR:

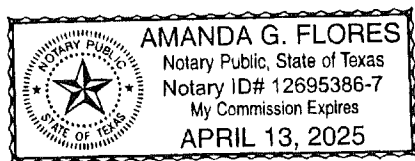
Howard Barkley Wedemeyer
Howard Barkley Wedemeyer

Date: 2-18-22

STATE OF TEXAS §

COUNTY OF Travis §

This instrument was acknowledged before me this 18th day of February, 2022 by Howard Barkley Wedemeyer.



Amanda G. Flores
Notary Public, State of Texas

TRANSFeree:

LIBERTY HILL INDEPENDENT SCHOOL DISTRICT, a public independent school district and political subdivision of the State of Texas

By: Steven Snell
 Name: Steven Snell
 Title: Superintendent

Attn: Steven Snell, Superintendent
 301 Forest St
 Liberty Hill, Texas 78642
 Telephone: (512) 260-5580
 Email: ssnell@libertyhill.txed.net

With copy to:

Thompson & Horton, LLP
 Attn: Mark D. Smith
 Ross Tower, Suite 3150
 500 North Akard Street
 Dallas, Texas 75201
 Telephone: (469) 421-6844
 Email: msmith@thompsonhorton.com

STATE OF TEXAS §

COUNTY OF Williamson

This instrument was acknowledged before me the 17 day of February, 2022, by Steven Snell, Superintendent of Liberty Hill Independent School District, a public independent school district and political subdivision of the State of Texas, on its behalf.

[SEAL]

Marsha Hood
 Notary Public Signature

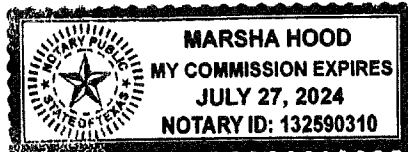


EXHIBIT "A"**LEGAL DESCRIPTION**

FIELD NOTES for a 12.64 acre tract situated in Williamson County, Texas, out of the Henry Garmes Survey, Abstract No. 269, being a portion of that tract described as 972.33 acres in a Deed to Dr. W.C. Wedemeyer (hereinafter referred to as Wedemeyer tract), recorded in Volume 343, Page 553 of the Deed Records of Williamson County, Texas, and affected by Affidavit of Heirship of Carroll C. Wedemeyer to Barkley Wedemeyer (a.k.a. Howard Barkely Wedemeyer), recorded under Instrument No. 2008017931 of the Official Public Records of Williamson County, Texas; the subject tract is more particularly described as follows:

COMMENCING at a 1/2-inch capped rebar stamped "CBD SETSTONE" found in the west line of *BAR W RANCH WEST PHASE 4, FINAL PLAT*, an addition to the Extra-Territorial Jurisdiction of the City of Leander, recorded under Instrument No. 2021061439 of the Official Public Records of Williamson County, Texas; **THENCE** NORTH 64° 32' 35" WEST, a distance of 216.30 feet to a 1/2-inch capped rebar stamped "CBD SETSTONE" found in the interior of said WeEemeyer tract at the northeast corner and **POINT OF BEGINNING** of the herein described tract;

THENCE with the east line of the herein described tract the following courses and distances:

1. SOUTH 03° 04' 20" WEST, a distance of 57.99 feet to a 1/2-inch capped rebar stamped "CBD SETSTONE" found;
2. SOUTH 16° 58' 32" WEST, a distance of 146.41 feet to a 1/2-inch capped rebar stamped "CBD SETSTONE" found;
3. SOUTH 05° 59' 39" WEST, a distance of 91.68 feet to a 1/2-inch capped rebar stamped "CBD SETSTONE" found;
4. SOUTH 26° 55' 54" WEST, a distance of 59.45 feet to a 1/2-inch capped rebar stamped "CBD SETSTONE" found;
5. SOUTH 57° 05' 41" WEST, a distance of 167.37 feet to a 1/2-inch capped rebar stamped "CBD SETSTONE" found;
6. SOUTH 43° 19' 20" WEST, a distance of 132.11 feet to a 1/2-inch capped rebar stamped "CBD SETSTONE" found;
7. SOUTH 04° 14' 11" WEST, a distance of 63.48 feet to a 1/2-inch capped rebar stamped "CBD SETSTONE" found;

Dallas-Fort Worth
785 Lonesome Dove Trail
Hurst, Texas 76054
(817)431-4971
Firm #10019500

Central Texas
1516 E. Palm Valley Blvd., A4
Round Rock, Texas 78664
(512)778-5688
Firm #10194073

West Texas
426 Graham Street
Tuscola, Texas 79562
(325)672-7420
Firm #10193867

WWW.JPHLANDSURVEYING.COM

8. SOUTH 30° 06' 59" WEST, a distance of 110.13 feet to a 1/2-inch capped rebar stamped "CBD SETSTONE" found;
 9. SOUTH 59° 53' 01" EAST, a distance of 7.70 feet to a 1/2-inch capped rebar stamped "CBD SETSTONE" found;
 10. SOUTH 29° 55' 20" WEST, a distance of 135.54 feet to a 1/2-inch capped rebar stamped "CBD SETSTONE" found;
 11. SOUTH 05° 16' 34" EAST, a distance of 152.28 feet to a 1/2-inch capped rebar stamped "CBD SETSTONE" found at the southeast corner of the herein described tract, from which a 1/2-inch capped rebar stamped "CBD SETSTONE" found in the west line of said *BAR W RANCH WEST PHASE 4, FINAL PLAT* bears NORTH 60° 46' 23" EAST, a distance of 218.84 feet;
- THENCE** with the south line of the herein described tract the following courses and distances:
1. NORTH 89° 41' 33" WEST, a distance of 253.01 feet to a 1/2-inch capped rebar stamped "CBD SETSTONE" found;
 2. NORTH 76° 43' 54" WEST, a distance of 314.90 feet 1/2-inch capped rebar stamped "CBD SETSTONE" found at the southwest corner of the herein described tract, from which a 1/2-inch rebar (bent) found in the west line of said Wedemeyer tract bears SOUTH 42° 46' 27" WEST, a distance of 2600.94 feet; also from which a 1/2-inch rebar found in the west line of said Wedemeyer tract bears NORTH 17° 37' 09" WEST, a distance of 1850.95 feet;
- THENCE** with the west and north line of the herein described tract the following calls:
1. NORTH 13° 16' 06" EAST, a distance of 310.11 feet to a 1/2-inch capped rebar stamped "CBD SETSTONE" found at the beginning of a curve to the right (concave southeast), having a radius of 765.00 feet, and a chord which bears NORTH 52° 24' 48" EAST, a distance of 965.86 feet;
 2. with said curve the right an arc length of 1045.30 feet to a Mag nail found;
 3. SOUTH 88° 26' 31" EAST, a distance of 143.41 feet to the **POINT OF BEGINNING**, enclosing 12.64 acres (+/- 550,772 sq.ft.) of land.

The bearings described herein are Texas State Plane Grid bearings (Texas Central Zone, NAD83)

Dallas-Fort Worth
785 Lonesome Dove Trail
Hurst, Texas 76054
(817)431-4971
Firm #10019500

Central Texas
1516 E. Palm Valley Blvd., A4
Round Rock, Texas 78664
(512)778-5688
Firm #10194073

West Texas
426 Graham Street
Tuscola, Texas 79562
(325)672-7420
Firm #10193867

WWW.JPHLANDSURVEYING.COM

EXHIBIT “B”

[ATTACHED]

**THIRD CONSENT TO PARTIAL ASSIGNMENT OF
AMENDED AND RESTATED AGREEMENT REGARDING CONSENT TO
CREATION OF LEANDER MUNICIPAL UTILITY DISTRICTS NO. 1, 2 AND 3 AND
DEVELOPMENT OF THE BAR W RANCH**

THE STATE OF TEXAS §
 §
COUNTY OF WILLIAMSON §

This Third Consent to Partial Assignment of Amended and Restated Agreement Regarding Consent to Creation of Leander Municipal Utility Districts No. 1, 2, and 3 and Development of the Bar W Ranch (this "Consent") is executed effective as of the _____ day of February, 2022, by the **City of Leander, Texas**, a home-rule municipality located in Williamson County, Texas (the "City").

RECITALS

A. The City; Howard Barkley Wedemeyer, a resident of Harris County, Texas (the "Owner"); and Leander Municipal Utility Districts No. 1, 2, and 3 previously entered into an "Amended and Restated Agreement Regarding Consent to Creation of Leander Municipal Utility Districts No. 1, 2 and 3 and Development of the Bar W Ranch" dated effective as of September 17, 2015, and recorded under Document No. 2015089728, Official Public Records of Williamson County, Texas (the "Consent Agreement"). Section 10.03 of the Consent Agreement provides that the Consent Agreement may only be assigned with the prior written consent of the City.

B. By "Consent to Partial Assignment of Amended and Restated Agreement Regarding Consent to Creation of Leander Municipal Utility Districts No. 1, 2 and 3 and Development of the Bar W Ranch" dated effective September 28, 2015, the City consented to the Owner's partial assignment of its rights and obligations under the Consent Agreement as to portions of the land subject to the Consent Agreement actually sold and conveyed to Harris & Straub, L.L.C., a Texas limited liability company ("Harris & Straub"), or an entity controlling, controlled by, or under common control with Harris & Straub.

C. By "Second Consent to Partial Assignment of Amended and Restated Agreement Regarding Consent to Creation of Leander Municipal Utility Districts No. 1, 2 and 3 and Development of the Bar W Ranch" dated effective March 18, 2021, the City consented to the Owner's partial assignment of its rights and obligations under the Consent Agreement as to portions of the land subject to the Consent Agreement actually sold and conveyed to Continental Homes of Texas, L.P., a Texas limited partnership.

D. The Owner entered into a contract (the "Purchase and Sale Contract") to sell and convey approximately 12.64 acres of the land that is subject to the Consent Agreement (the "School Tract") to Leander Independent School District, a public independent school district and political subdivision of the State of Texas ("LISD"), and, in connection with such sale to LISD, Owner desires to assign certain of its rights and obligations under the Consent Agreement to LISD.

E. The City wishes to consent to the Owner's partial assignment of the Owner's rights and obligations under the Consent Agreement as to the School Tract to LISD effective as of the date closing of the sale of the School Tract to LISD.

Therefore, for good and valuable consideration, the receipt and sufficiency of which are acknowledged, the City agrees as follows:

1. Consent of the City. The City hereby consents to the Owner's assignment of its rights and obligations under the Consent Agreement as to the School Tract to LISD, contingent and effective upon the closing of the sale of the School Tract to LISD.

2. Conditions. In order for the City's consent to be effective: (a) the assignment from the Owner to LISD must be in writing, and signed by both the Owner and LISD; (b) the assignment must specifically identify the School Tract and the rights, duties, and obligations assigned and assumed; (c) LISD must expressly assume and agree to perform all of the assigned duties and obligations; and (d) one fully executed original of the assignment and a copy of the recorded deed conveying the School Tract to LISD must be delivered to the City.

Approved this ___ day of February, 2022.

THE CITY:

CITY OF LEANDER, TEXAS

By: _____

Printed Name: _____

Title: _____

Date: _____

ATTEST:

By: _____

Printed Name: _____

Title: _____

Date: _____

STATE OF TEXAS §
 §
COUNTY OF WILLIAMSON §

 This instrument was acknowledged before me this _____ day of February, 2022 by
_____, _____ of the City of Leander, Texas, on
behalf of the City.

[seal]

NOTARY PUBLIC, State of Texas

**ELECTRONICALLY RECORDED
OFFICIAL PUBLIC RECORDS**

2022021833

Pages: 12 Fee: \$66.00

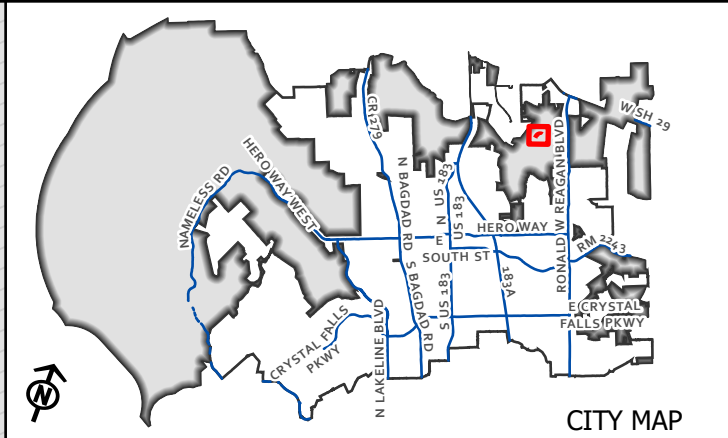
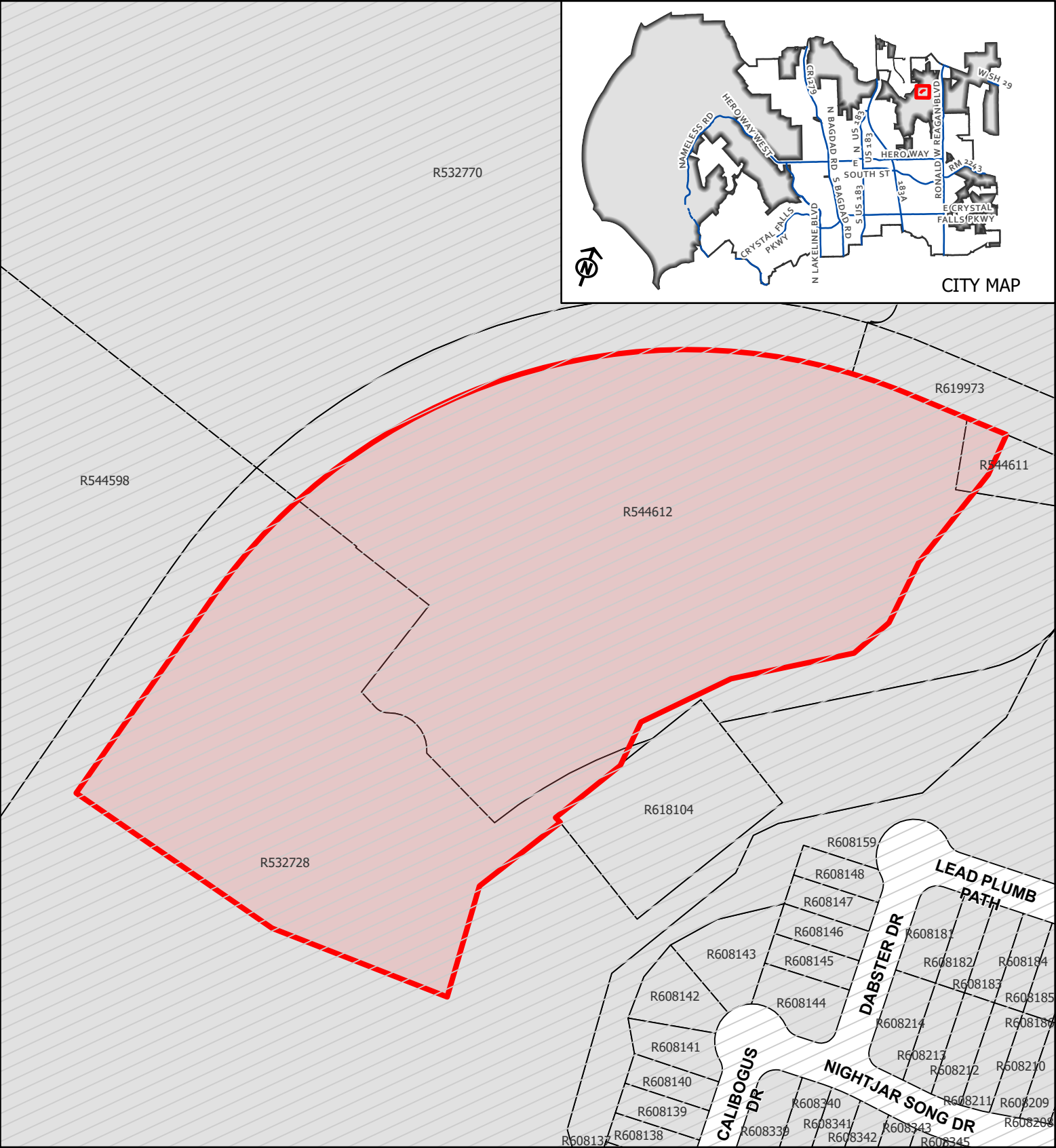
02/18/2022 03:41 PM

DLAM



Nancy E. Rister

Nancy E. Rister, County Clerk
Williamson County, Texas



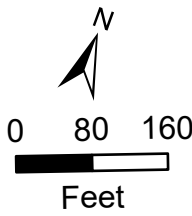
CASE: 15-DA-002

ATTACHMENT #3

Wedemeyer Development Agreement
Assignment – LHISD

Site Location

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.



- Subject Area
- Leander City Limits
- ETJ



EXECUTIVE SUMMARY
03/03/2022

AGENDA SUBJECT:

Approval of the Second Reading of an Ordinance regarding Zoning Case 21-Z-026 to amend the current zoning of SFU/MH-2-B (Single-Family Urban/Manufactured Home) to create the Sky Heights PUD (Planned Unit Development) with a base zoning of SFT-2-B (Single-Family Townhouse) on one (1) parcel of land approximately 2.68 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R036438; legally described as Lot 3, Blk A, Leander Heights Section 2; and more commonly known as 415 Lion Drive, Leander, Williamson County, Texas.

BACKGROUND:

This request is the final step in the zoning process. The Planning & Zoning Commission unanimously recommended approval of the request during the January 27, 2022 meeting.

HISTORY/TIMELINE:

01/27/2022 - Planning & Zoning Commission, 1st Public Hearing

02/17/2022 - City Council, 2nd Public Hearing & 1st Reading of the Ordinance

APPLICANT/AGENT:

Sky Heights (Santosh Singh) on behalf of Dannen Real Estate Development (Josh Becker).

RECOMMENDATION:

The City Council approved this request with the following amendments:

1. Update the maximum unit count to thirty-two (32) units
2. Add requirements for limitations on turf grass.

PRESENTER:

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

Attachments

1. Planning Analysis
2. Current Zoning Map
3. Future Land Use Map
4. Public Notice Map
5. Proposed Zoning Map
6. Aerial Map
7. PUD Notes with Changes
8. Letter of Intent
9. Summary of Neighborhood Communication
10. Ordinance
11. P&Z Minutes



PLANNING ANALYSIS

ZONING CASE 21-Z-026 SKY HEIGHTS PUD

GENERAL INFORMATION

Owner/Agent: Sky Heights (Santosh Singh) on behalf of Dannen Real Estate Development (Josh Becker).

Current Zoning: SFU/MH-2-B (Single-Family Urban/Manufactured Home)

Proposed Zoning: PUD (Planned Unit Development) zoning with the below base zoning:
SFT-2-B (Single-Family Townhouse)

Size and Location: The property is located at 415 Lion Drive, including approximately 2.68 acres.

Staff Contact: Cory Dale
Planner

APPLICANT REQUEST

The applicant has submitted a request to change the designated zoning district of their property in order to match the adjacent property to the west (Leander Townhomes) and provide continuity of home type in the area.

STAFF CONCLUSIONS

Y N

- ☒ ☐ Does the proposal comply with the intent statements of the Composite Zoning Ordinance? *see pages 2 & 3*
- ☒ ☐ Does the proposal comply with the goal statements of the Comprehensive Plan? *see page 3*
- ☐ ☒ Does the proposal warrant any other special considerations?

SITE INFORMATION:

ABUTTING ZONING AND LAND USE:

	ZONING	LAND USE
NORTH	SFU-2-B	Christine Camacho Elementary School
EAST	GC-3-C MF-2-B	Commercial (automotive and transmissions) Apartments (Monterra Ranch)
SOUTH	MF-2-B TF-2-B	Vacant Lot Single-Family Residence
WEST	PUD (MF)	Municipal Drive Townhome PUD

SURROUNDING AREA:

This property is located directly across Municipal Drive and Christine Camacho Elementary School and northwest of the intersection of South West Drive and Lion Drive.

PHYSICAL AND NATURAL FEATURES:

This property contains scattered trees across the lot and is currently single home. The tract is not located within or near a floodplain.

MAJOR CORRIDORS:

This property has access onto both Municipal Drive and Lion Drive.

TRANSPORTATION PLAN REQUIREMENTS:

At the time of the Concept Plan or Site Development submittal, the applicant will submit either a Traffic Impact Analysis (TIA) worksheet or a fee in lieu of TIA as determined by the City Engineer. The Transportation Master Plan also designates potential ROW dedication along Municipal Drive.

SUBDIVISIONS:

The following subdivision cases were previously submitted for this property:

- Platted as part of Leander Heights Section 2 (Lot 3, Block A) was recorded on 10/13/1969.

EXISTING UTILITIES:

This property has access to an 8" water line along Municipal Drive as well as a 6" sewer line within the south ROW of Lion Drive.

CURRENT LAND USES:

This property is currently being used as a single-family residence.

PROPOSED ZONING DISTRICT:**USE COMPONENT****SFT – SINGLE FAMILY TOWNHOUSE:**

Features: 2,000 sq. ft. lot min; 700 sq. ft. living area min.

Intent: Development of single-family attached dwellings on very small sized lots and for other uses that are compatible and complimentary to attached residential development. A variety of lot sizes shall be provided within one half mile of major intersections such as arterials or collectors and along residential collectors. The higher density residential shall be located closest to major intersections such as arterials or collectors and transition to lower density uses further away from the major intersections. This component provides for higher density lots and serves as a transition between moderate size lots and higher density areas. This component is generally intended as follows:

- (1) To provide an orderly transition and serve as a buffer between larger lot neighborhoods and more intensive uses such as multi-family or commercial uses or arterial roadways.
- (2) To create more variety in housing opportunities and in the fabric of the neighborhoods.
- (3) To include or be located within six hundred feet of parkland or other recreational open space.
- (4) To be located in planned communities of greater than 100 acres and comprising less than ten percent (10%) of the lots, or to provide infill opportunities in appropriate areas of the City such as in areas under transition.
- (5) Lots may provide access to garages from a rear alley.

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.

ARCHITECTURAL COMPONENT

TYPE B:

Features: 4 or more architectural features.

Intent:

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

COMPREHENSIVE PLAN:

Applicable Comprehensive Plan goal statements

- Maintain and/or improve affordability and diversity in the housing market.
- Support housing that has well-defined design character, compatibility with adjacent uses, and balanced density.

Applicable Future Land Use categories

NEIGHBORHOOD RESIDENTIAL

- The Neighborhood Residential land use category is intended to be developed primarily as new single-family detached residential subdivisions with associated amenities, such as parks, trails, open space areas, and elementary schools. These areas are intended to have a mix of suburban and auto-oriented development character which are primarily found in the form of detached residential lots.

Architectural styles, building height and massing are relatively uniform in this type of land use. Most streets are considered to be local and low-volume with curb and gutter, sidewalks, consistent speeds and highly accessible driveways. Strategically located parks are essential and in some cases a school or other institutional use are integrated or in close proximity.

Some neighborhood-serving retail and office uses are permitted in these areas with highly-restrictive use, site and design requirements. These type of uses are residential in scale and architectural design and are walkable in nature, though auto-serving. These uses are not shown on the Future Land Use Map as commercial and are supported when integrated into a development with appropriate site and zoning compatibility considerations.

Existing Zoning District Suitability: SFR, SFE, SFS, SFU, SFC, PUD, SFL, SFT, TF, CH and NR

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 8/23/2021. No changes were made to the project since the development meeting was held.

NOTIFICATION

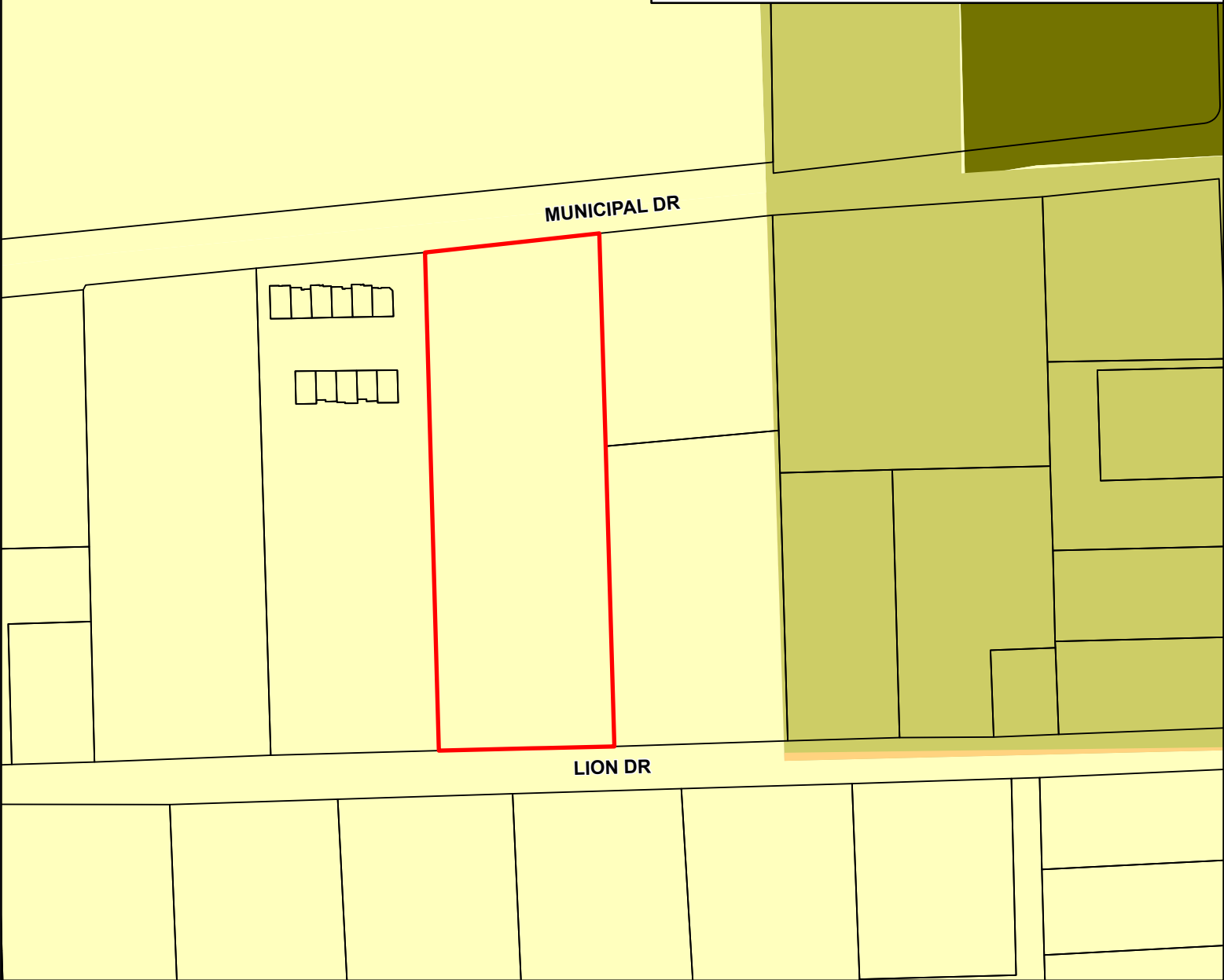
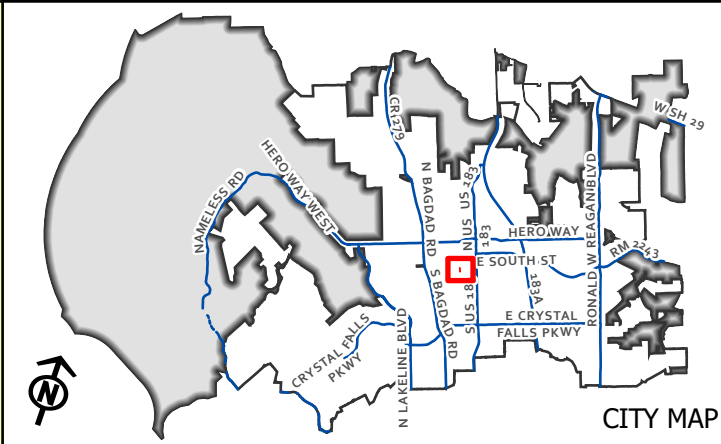
1/06/2022 - Public Notice on Hill Country News
1/12/2022 - Mail Notification to Property Owners within 200'
1/12/2022 - Public Hearing Signage Posted on Property
1/27/2022 - Planning and Zoning Commission Public Hearing
2/17/2022 - City Council Public Hearing & First Reading of the Ordinance
3/03/2022 - City Council Second & Final Reading of the Ordinance

PUBLIC NOTIFICATION:

Notices were mailed by City staff to all property owners within 200 feet. Neighborhood outreach information per applicant within packet as attachment 9.

APPROVAL CRITERIA:

This request is compatible with the surrounding land uses and Future Land Use Map designation. The PUD request includes unique development standards as called out in the PUD notes within Attachment 7. This request includes a condo regime development with private drives that have a five foot sidewalk along the drives and includes additional guest parking provisions.



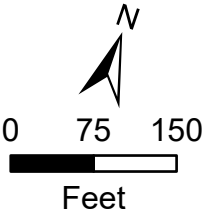
CASE: 21-Z-026

ATTACHMENT #3

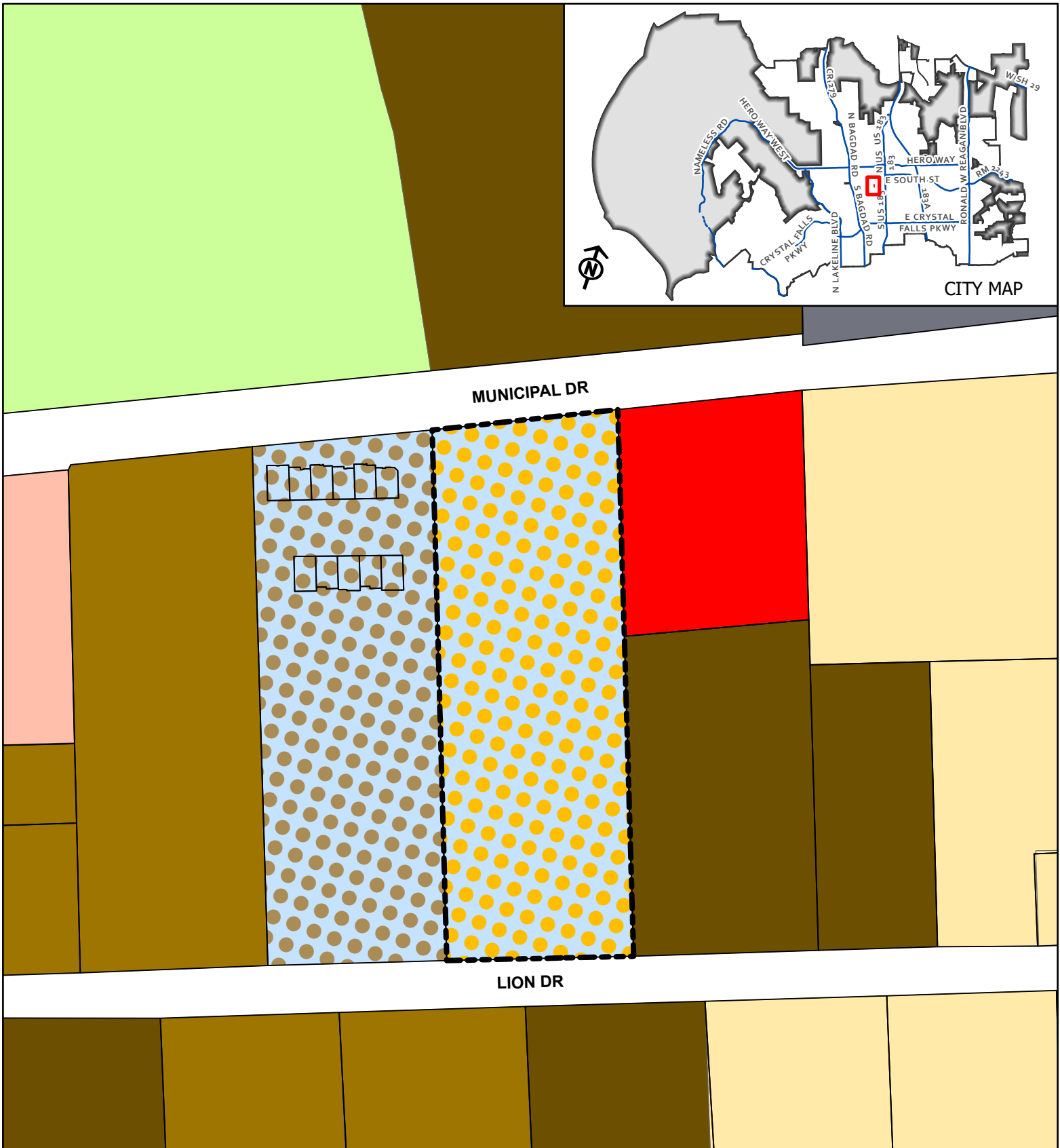
SKY HEIGHTS

Future Land Use 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 | Old Town |
| Leander ETJ | Transitional Residential |
| Subject Area | Urban Mixed Use |
| Neighborhood Residential | |



CASE: 21-Z-026

ATTACHMENT #5

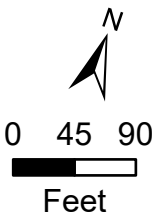
SKY HEIGHTS

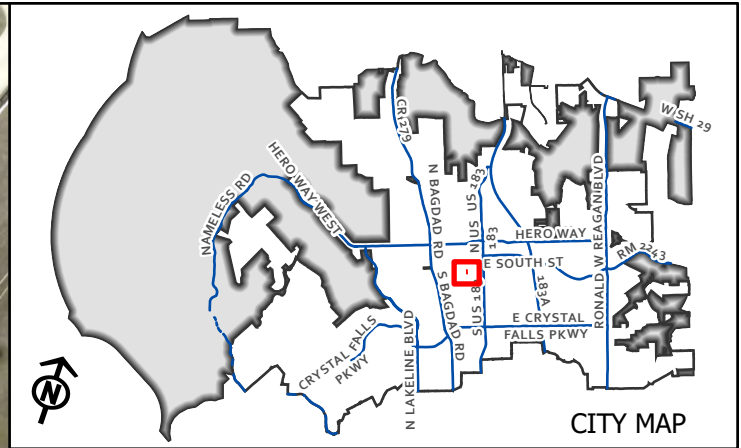
Proposed Zoning Map

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
- Leander ETJ
- Subject Area
- SFU - Single-Family Urban
- SFU/MH - Single-Family Urban/Manufactured Home
- TF - Two Family

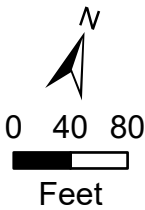
- MF - Multi-Family
- LO - Local Office
- GC - General Commercial
- PUD - Townhomes
- PUD - Multi-Family
- SD - Special District





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
- Leander ETJ
- Subject Area

EXHIBIT A
Sky Heights Planned Unit Development

A. Purpose and Intent

1. The Sky Heights PUD is comprised of approximately 2.68 acres, as shown in **Exhibit “B”**. Property will develop as a condominium regime, meaning property will be comprised of a planned townhouse community on a single lot.

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 have been selected from the Leander Composite Zoning Ordinance.

SFT-2-A (Single-Family Townhouse)

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 shall include multiple attached single-family townhouses on a single lot.
2. The maximum unit count shall be **thirty-two (32)**.

E. Development Standards

1. The following setbacks shall apply.

	Building Setbacks	Paving Setbacks
Front Setback (from public streets and private drives)	25 ft.	20 ft.
Perimeter Setback (minimum)	15 ft.	5 ft.
Rear Setback (minimum)	15 ft.	-
Street Side Setback (minimum)	15 ft.	-
Building Separation (minimum)	10 ft.*	-

** Eave overhang is not included in calculations for minimum building separation. A minimum of seven feet clear zone between building roof lines will be provided.*

2. The minimum unit width shall be twenty (20') feet.
3. The maximum area of the first floor of any individual building shall be six thousand (6,000) square feet.
4. The total area of any individual building shall be limited to ten thousand (10,000) square feet.
5. Garages shall not count towards the total gross floor area.
6. A maximum of six (6) units may be connected.
7. No building will be greater than two (2) stories in height.
8. Separate front doors for each home may be located on the front of the home and may face a public street, common green or internal to site.
9. Private Drives shall comply with **Exhibit "D"**.
10. Turf grass in the narrow strips adjacent to street curbs between sidewalk and street pavement shall be prohibited. Materials such as river rock crushed granite, or similar product shall be used in this location.
11. All HOA Landscape Lots and common areas shall be limited to fifty (50%) percent turf grass coverage.

F. Garage and Parking Requirements

1. All homes shall have a garage enclosed parking space.
2. Off-street parking of at least one surface parking space per townhouse shall be provided for each home with two bedrooms or less.
3. A minimum of ten (10%) percent guest parking and five (5%) percent handicap parking will also be provided for homes with two bedrooms or less.
4. All homes three (3) bedrooms or larger will have a minimum of two (2) off-street parking spaces per residence.

G. Fencing

All fencing shall be limited to wrought iron or decorative tubular metal

X

PUD-Site Plan

EXHIBIT C - CONCEPTUAL SITE LAYOUT & LAND USE PLAN

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



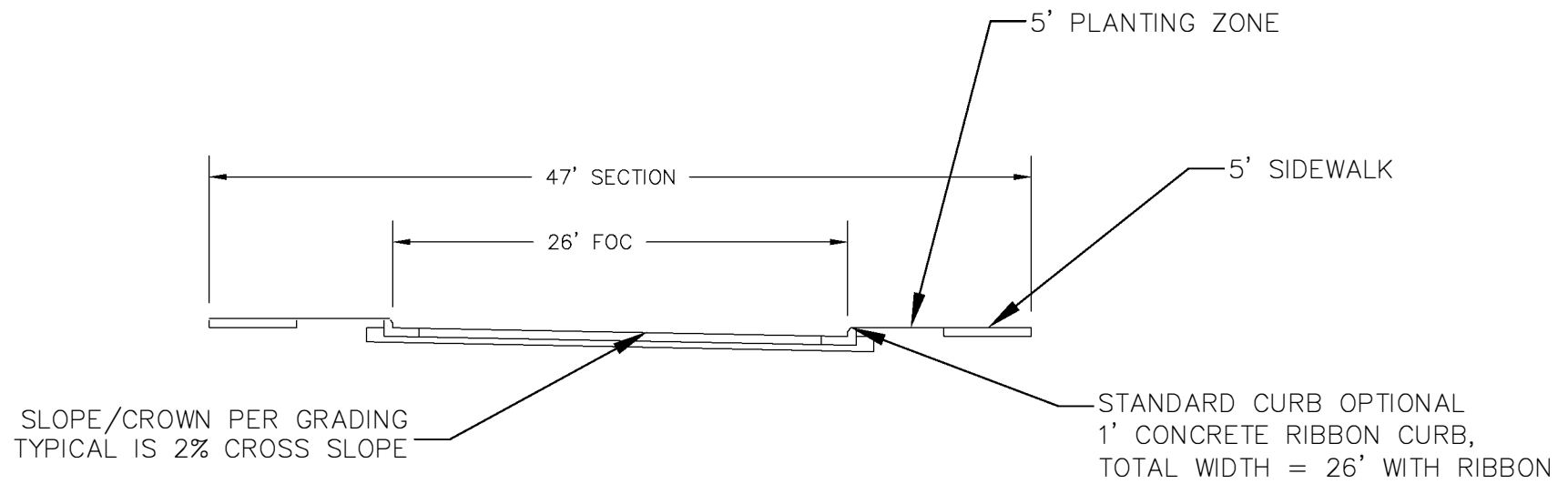
SKY HEIGHTS

415 Lion Drive, Leander Texas

 **DANNEN**
REAL ESTATE DEVELOPMENT

SUNRhea
DESIGN

EXHIBIT D



TYPICAL PRIVATE STREET/DRIVE SECTION



Letter of Intent

City of Leander,

We are seeking a zone change on the property located at 415 Lion Dr. Leander Tx.

The property consists of 2.68 acres of mostly flat ground sloping slightly to the East. The property is currently zoned for Manufactured homes but is adjacent to properties that have are zoned for Commercial, townhomes and multifamily residential.

We are requesting a zone change to a PUD with a base zoning of SFT (Single Family Townhouse) to match the adjacent property to the West, Leander Townhomes. Our major reason for doing this is to provide continuity of home type in the area.

Please Let me know what questions you may have and what additional information you would like.

Thanks,

Josh Becker

Dannen Real Estate Development

512-909-4744

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.

Included letter was sent to all neighboring Property owners within 500' on July 29, 2021

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 the contact information used.

All property owners within 500' were notified via mail

3. What concerns were raised during these communications?

No concerns were raised. Three neighboring property owners reached out in support of the proposal.

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. If concerns are raised we will address them at that time

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

Signature: _____



Date 9/5/21

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 SKY HEIGHTS PUD (PLANNED UNIT DEVELOPMENT) WITH THE BASE ZONING DISTRICT OF SFT-2-A (SINGLE-FAMILY TOWNHOUSE); 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 2.68 acres, ±; being more particularly described in Exhibit "B"; and identified by tax identification number R036438; more particularly described in Instrument Number 2021042327 recorded in the Official Public Records of Williamson County, Texas.

SECTION 4. Property Rezoned. The Zoning Ordinance is hereby amended by creating the Sky Heights PUD (Planned Unit Development) with the base zoning district of SFT-2-A (Single-Family Townhouse). The Sky Heights PUD shall be developed and occupied in accordance with this Ordinance, the PUD plan attached as Exhibits "A", "B", "C", and "D" which are hereby adopted and incorporated herein for all purposes, and the Composite Zoning Ordinance to the

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

SECTION 5. Recording Zoning Change. The City Council directs the 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 17th day of February, 2022.

FINALLY PASSED AND APPROVED on this the 3rd day of March, 2022.

ATTEST:

THE CITY OF LEANDER, TEXAS:

Dara Crabtree, City Secretary

Christine DeLisle, Mayor



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

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

January 27, 2022 at 7:00 PM



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

Place 5 – Gary Hampton, Jr.
Place 6 – Laura Lantrip
Place 7 – Rick Carpenter

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

1. Call to Order at 7:00 pm.
2. Roll Call. Reflected all present.
3. Director's report to the Planning & Zoning Commission on actions taken by the City Council at the January 20, 2022 meeting
4. Review of meeting protocol.
5. Citizen Comments: Three (3) minutes allowed per speaker.
[Please turn in speaker request form before the meeting begins.]

CONSENT AGENDA: ACTION

Motion made by Commissioner Ron May, seconded by Vice Chair Donnie Mahan to approve Consent agenda items 6-9.

AYE: Vice Chair Donnie Mahan, Chair John Cosgrove, Commissioner Ron May,
Commissioner Deirdre Moss, Commissioner Gary Hampton, Jr., Commissioner Laura
Lantrip, Commissioner Rick Carpenter

7 - 0 Passed

6. Approval of Subdivision Case 21-SFP-001 regarding SJ&A River Addition Short Form Final Plat on two parcels of land approximately 9.412 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District R549158 and R032202; generally located west of Ronald W. Reagan Blvd. and east of Arapaho Mountain Pass, Leander, Williamson County, Texas.

7. Approval of Subdivision Case 11-SFP-001 regarding Crystal Village Phase One Short Form Final Plat on portions of four parcels of land approximately 17.315 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R432786, R031200, R080605, and R031201; generally located to the southeast of the intersection of E Crystal Falls Pkwy and 183A Toll Road, Leander, Williamson County, Texas.
8. Approval of the Subdivision, Site Development, and Dry Utility Application Forms pursuant to Article IX, Section 9 (a) (1) c. of the Composite Zoning Ordinance; Leander, Williamson & Travis Counties, Texas.
9. Approval of Minutes.

PUBLIC HEARING: ACTION

10. Chair Cosgrove opened a Public Hearing at 7:01 pm and consider action regarding Zoning Case 21-Z-026 to amend the current zoning of SFU/MH-2-B (Single-Family Urban/Manufactured Home) to create the Sky Heights PUD (Planned Unit Development) with a base zoning of SFT-2-B (Single-Family Townhouse) on one parcel of land approximately 2.68 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R036438; legally described as Lot 3, Blk A, Leander Heights Section 2; and more commonly known as 415 Lion Dr, Leander, Williamson County, Texas. No one spoke in favor or opposition of the request. The public hearing closed at 7:07 pm.

- Discuss and consider action regarding Zoning Case 21-Z-026 as described above.

Motion made by Commissioner Laura Lantrip, seconded by Commissioner Deirdre Moss

AYE: Vice Chair Donnie Mahan, Chair John Cosgrove, Commissioner Ron May,
Commissioner Deirdre Moss, Commissioner Gary Hampton, Jr., Commissioner Laura
Lantrip, Commissioner Rick Carpenter

7 - 0 Passed

11. Chair Cosgrove opened a Public Hearing at 7:13 pm and consider action regarding Zoning Case 21-Z-037 to amend the current zoning of LC-2-B (Local Commercial) and SFU/MH-2-B (Single-Family Urban/Manufactured Home) to GC-3-C (General Commercial) and LC-2-A (Local Commercial) on two parcels of land approximately 1.5660 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R035565 and R035563; and addressed as 1007 and 1009 Los Vista Drive, Williamson County, Texas. No one spoke in favor or opposition of the request. The public hearing closed at 7:18 pm.

- Discuss and consider action regarding Zoning Case 21-Z-037 as described above.

Motion made by Vice Chair Donnie Mahan, seconded by Commissioner Laura Lantrip

AYE: Vice Chair Donnie Mahan, Chair John Cosgrove, Commissioner Ron May,
Commissioner Deirdre Moss, Commissioner Gary Hampton, Jr., Commissioner Laura
Lantrip, Commissioner Rick Carpenter

7 - 0 Passed

12. Chair Costrove opened a Public Hearing at 7:23 pm and consider action regarding Zoning Case 21-Z-040 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to LO-2-B (Local Office) on eight parcels of land approximately 27.99 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R031590, R031591, R031592, R031594, R031595, R508113, R508114, and R508115; and addressed as 3250 Hero Way, Leander, Williamson County, Texas. Denise Lewis, 3336 Hero Way Leander, TX 78641 was opposed to this item. Charles Hoskins, 3350 Hero Way Leander, TX 78641 was opposed to this item. The public hearing closed at 7:29 pm.

- Discuss and consider action regarding Zoning Case 21-Z-040 as described above.

Motion made by Commissioner Gary Hampton, Jr., seconded by Vice Chair Donnie Mahan

AYE: Vice Chair Donnie Mahan, Chair John Cosgrove, Commissioner Ron May,
Commissioner Deirdre Moss, Commissioner Gary Hampton, Jr., Commissioner Laura
Lantrip, Commissioner Rick Carpenter

7 - 0 Passed

13. Chair Cosgrove opened a Public Hearing at 7:37 pm and consider action regarding Zoning Case 21-Z-041 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to GC-3-C (General Commercial) on two parcels of land approximately 22.039 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R031358 and R602142; and addressed as 8622 183A Toll Road, Leander, Williamson County, Texas. No one spoke in favor or opposition of the request. The public hearing closed at 7:42 pm.

- Discuss and consider action regarding Zoning Case 21-Z-041 as described above.

Motion made by Commissioner Ron May, seconded by Commissioner Laura Lantrip

AYE: Vice Chair Donnie Mahan, Chair John Cosgrove, Commissioner Ron May,
Commissioner Deirdre Moss, Commissioner Gary Hampton, Jr., Commissioner Laura
Lantrip, Commissioner Rick Carpenter

7 - 0 Passed

14. Chair Cosgrove opened a Public Hearing at 7:45 pm and consider action regarding Zoning Case 21-Z-043 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to GC-2-B (General Commercial) on five parcels of land approximately 33.911 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R555235, R555246, R031297, R555247, R031279; and addressed as 2957, 3345, 3549, & 3919 Hero Way, Leander, Williamson County, Texas. Charles Hoskins, 3350 Hero Way Leander, TX 78641 was opposed to this item. The public hearing closed at 7:51 pm.

- Discuss and consider action regarding Zoning Case 21-Z-043 as described above.

Motion made by Vice Chair Donnie Mahan, seconded by Commissioner Ron May

AYE: Vice Chair Donnie Mahan, Chair John Cosgrove, Commissioner Ron May,
Commissioner Deirdre Moss, Commissioner Gary Hampton, Jr., Commissioner Laura
Lantrip, Commissioner Rick Carpenter

7 - 0 Passed

15. Chair Cosgrove opened a Public Hearing at 7:54 pm and consider action regarding Zoning Case 21-Z-045 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to HC-4-D (Heavy Commercial) on three parcels of land approximately 12.819 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R555216, R319481 and R031282; and addressed as 2871 Hero Way, Leander, Williamson County, Texas. Chalres Hosking, 3350 Hero Way Leander, TX 78641 was opposed to this item. The public hearing closed at 7:58 pm.
- Discuss and consider action regarding Zoning Case 21-Z-045 as described above.

Motion made by Commissioner Rick Carpenter, seconded by Commissioner Deirdre Moss

AYE: Vice Chair Donnie Mahan, Chair John Cosgrove, Commissioner Ron May,
Commissioner Deirdre Moss, Commissioner Gary Hampton, Jr., Commissioner Laura
Lantrip, Commissioner Rick Carpenter

7 - 0 Passed

REGULAR AGENDA

16. Received a presentation from Kimley-Horn & Associates (KHA) regarding the draft land use assumptions and capital improvements plan for the 2022 Roadway Impact Fee Study.
17. Adjournment at 8:47 pm.

APPROVED:

CHAIRMAN COSGROVE

ATTEST:

ELLEN COUFAL
PLANNING & ZONING COMMISSION SECRETARY



EXECUTIVE SUMMARY
03/03/2022

AGENDA SUBJECT:

Approval of the Second Reading of an Ordinance regarding the Harmony Public School Annexation Case 21-A-009 regarding the voluntary annexation of 20.077 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R031590, R031591, R031592, R031594, and R031595; and commonly known as 3250 Hero Way, Leander, Williamson County, Texas.

BACKGROUND:

A resolution was adopted on January 20, 2022 and commenced the voluntary annexation of 20.077 acres $\pm$ as described above. The resolution sets the public hearing for February 17, 2022 and the readings of the ordinance for February 17, 2022 and March 3, 2022.

This property is subject to a development agreement between the property owner and the City that requires annexation when the land use redevelops and is no longer used for agricultural purposes. This annexation will be paired with a zoning application that will run concurrently with the annexation.

HISTORY/TIMELINE:

01/20/2022 - Resolution Adopted

02/17/2022 - City Council Public Hearing & 1st Reading of the Ordinance

APPLICANT/AGENT:

Nick Gignac on behalf of Harmony Public Schools

RECOMMENDATION:

City Council unanimously approved this request during the February 17, 2022 meeting.

PRESENTER:

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

Attachments

1. Resolution
2. Location Exhibit
3. Petition
4. Annexation Schedule
5. Ordinance

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF LEANDER, TEXAS, ACCEPTING THE PETITION FOR ANNEXATION OF 27.992 ACRES, MORE OR LESS, OF LAND LOCATED IN WILLIAMSON COUNTY, TEXAS; SETTING AN ANNEXATION SCHEDULE; PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

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

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

WHEREAS, after review and consideration of such requests and petition for annexation from the owners of the subject property, the City Council finds that the subject property may be annexed pursuant to §43.0671 of the *Local Government Code*; and,

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

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

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. Proceedings. The petition for annexation of the subject property, including the abutting streets, roadways, and rights of way, not previously annexed into the City and the draft service plan shown in Exhibit “B”, are hereby accepted:

All that certain area of land being 27.992 Acres in Williamson County, Texas, being more particularly described in Exhibit A attached hereto and incorporated herein for all purposes.

A public hearing has been set for the date of February 17, 2022. Notice of such hearing shall be posted and the hearing shall be open to the public to accept public comment on the annexation request. In the event of a conflict between the subject property description contained herein, Exhibit “A” shall control.

Section 3. Severability. Should any section or part of this Resolution be held unconstitutional, illegal, or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions

thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Resolution are declared to be severable.

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

PASSED AND APPROVED this the 20th day of January, 2022.

ATTEST:

THE CITY OF LEANDER, TEXAS

Dara Crabtree, City Secretary

Christine DeLisle, Mayor

Exhibit "A"

SUBJECT PROPERTY DESCRIPTION

+/- 27.992 ACRES

Exhibit “B”

AGREEMENT REGARDING POST-ANNEXATION PROVISION OF SERVICES FOR PROPERTY TO BE ANNEXED INTO THE CITY OF LEANDER

This Agreement is entered into by and between the City of Leander, Texas, a municipal corporation (“City”), and _____, (“Landowner”), both of which may be referred to herein singularly as “Party” or collectively as the “Parties.”

RECITALS

WHEREAS, upon the request of the Landowner, the City intends to institute annexation proceedings for an area of land described more fully hereinafter and attached hereto (the “subject property”);

WHEREAS, Section 43.0672, Loc. Gov't. Code, requires the Parties to enter into a written agreement identifying a list of public services to be provided to the subject property and a schedule for the provision of those services that are not otherwise provided on the effective date of the annexation;

WHEREAS, this Agreement is being entered into by and between the Parties to comply with Texas Local Government Code, Chapter 43, Sub-Chapter C-3, Section 43.0672, prior to the City’s consideration of an ordinance annexing the subject property, it being understood, acknowledged and agreed by the Parties that annexation of the subject property is a condition precedent to this Agreement becoming effective;

WHEREAS, this Agreement shall be deemed effective on the effective date of an ordinance approved by the City annexing the subject property (the “Effective Date”).

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

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

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

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

The following services and schedule represent the provision of services agreed to between the Landowner of the subject property and the City establishing a program under which the City will provide municipal services to the subject property, as required by section 43.0672 of the Texas Local Government Code. The services detailed herein will be provided at a level consistent with service levels provided to other similarly situated areas within the City.

The following services will be provided for the subject property on the Effective Date of annexation:

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

A. Police protection as follows:

Routine patrols of areas, radio response to calls for police service and all other police services now being offered to the citizens of the City. Upon annexation, police protection will be provided to the subject property at a level consistent with the service to other areas of the City with similar population density and characteristics. The City's police services include neighborhood patrols, criminal investigations, crime prevention, community services and school programs.

B. Fire protection and Emergency Medical Services as follows:

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

C. Solid waste collection services as follows:

Solid waste collection and services as now being offered to the citizens of the City. The City provides residential solid waste collection services within the City limits for a fee under a contract between the City and private refuse collection operator. The residential solid waste collection services include garbage collection, recycling, bulky item collection and yard waste collection. Commercial solid waste collection services are also available. This service will be provided for a fee to any person within the subject property requesting the service after the Effective Date of annexation, provided that a privately owned solid waste management service provider is unavailable. If the subject property is already receiving service, the City may not prohibit solid waste collection by the privately owned solid waste management service provider, nor may the City offer solid waste collection services for a period of two (2) years following the Effective Date of the annexation unless a privately owned solid waste management service provider is or becomes unavailable, as established by Texas Local Government Code section 43.0661. If a landowner uses the services of a privately owned solid waste management service provider or services are available from a privately owned solid waste management service provider during the two (2) years following annexation, the City will not provide solid waste collection services to that landowner.

D. Animal control as follows:

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

E. Maintenance of City-owned parks and playgrounds within the City.

F. Inspection services in conjunction with building permits and routine City code enforcement services by present personnel, equipment and facilities. Municipal Court and General Administration services will also be available to property owners and residents in the subject property on the same basis those facilities are available to current City property owners and residents.

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

H. Land use regulation as follows:

On the effective date of annexation, the zoning jurisdiction of the City shall be extended to include the annexed area, and the use of all property therein shall be grandfathered; and shall be temporarily zoned "SFR-1-B" with the intent to rezone the subject property upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject property at future times in response to requests submitted by the Landowner or authorized city staff. The City will impose and enforce its adopted ordinances, including but not limited to, zoning, subdivision development, site development and building code regulations within the subject property upon the Effective Date of the annexation. Enforcement will be in accordance with City ordinances. Development plans and plats for projects within the subject property will be reviewed for compliance with City standards.

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

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

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

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

with applicable rules and regulations shall be permitted and such use may continue until the subject property's owner requests and is able to connect to the City's water utility system.

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

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

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

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

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

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

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

(ii) The City will maintain existing public streets within the subject property, and following installation and acceptance of new roadways by the City as provided by city ordinance, including any required traffic signals, traffic signs, street markings, other traffic control devices and street lighting, the City will maintain such newly constructed public streets, roadways and rights-of-way within the boundaries of the subject property, as follows:

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

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

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

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

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

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: None. Upon development of the subject property or redevelopment, the Landowner will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject property the same as similarly situated properties. When deemed necessary, capital improvement acquisition or construction will occur in accordance with applicable ordinances and regulations and the adopted capital improvement plans of the City, as applicable and amended, which are incorporated herein by reference.

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

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

(6) **Binding Effect/Authority.** This Agreement binds and inures to the benefit of the Parties and their respective heirs, successors, and permitted assigns. Each Party further warrants that each signatory to this Agreement is legally authorized to bind the respective individual or entity for the purposes established herein.

(7) **Choice of Law.** This Agreement will be construed under the laws of the State of Texas, without regard to choice-of-law rules of any jurisdiction. Venue for any dispute shall lie exclusively in Williamson County, Texas.

(8) **Counterparts.** This Agreement may be executed in any number of counterparts with the same effect as if all signatory Parties had signed the same document. All counterparts will be construed together and will constitute one and the same instrument.

(9) **Legal Construction.** If any provision in this Agreement is for any reason found to be unenforceable, to the extent the unenforceability does not destroy the basis of the bargain among the Parties, the unenforceability will not affect any other provision hereof, and this Agreement will be construed as if the unenforceable provision had never been a part of the Agreement. Whenever context requires, the singular will include the plural and neuter include the masculine or feminine gender, and vice versa. Headings in this Agreement are for reference only and are not intended to restrict or define the text of any section. This Agreement will not be construed more or less favorably between the Parties by reason of authorship or origin of language.

(10) **Entire Agreement.** This Agreement contains the entire Agreement between the Parties relating to the rights herein granted and the obligations herein assumed and cannot be varied except by written agreement of the Parties. Any oral representation or modification concerning this instrument shall be of no force and effect except for any subsequent modification in writing, signed by the Party to be charged.

EXECUTED and AGREED to by the Parties this the ____ day of _____, 20__.

ATTEST:

THE CITY OF LEANDER, TEXAS

Dara Crabtree, City Secretary

Rick Beverlin, City Manager

LANDOWNER(S):

By: _____

Name (print): _____

Title: _____

Date: _____

By: _____

Name (print): _____

Title: _____

Date: _____

Subject Property Description

(insert)

STATE OF TEXAS

§

COUNTY OF WILLIAMSON

§

§

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

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

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

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

WHEREAS, the City, pursuant to §43.003, *Tex. Loc. Gov’t. Code* and the request of the property owner, is authorized to annex the subject property;

WHEREAS, pursuant to §43.0672, *Tex. Loc. Gov’t. Code*, the City and the undersigned have negotiated and entered into a written agreement for the provision of services to the subject property, said agreement being attached hereto as Exhibit “B” and is incorporated herein for all purposes; and,

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

NOW THEREFORE, the undersigned by this Petition and Request:

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

All that certain area of land being 27.992 Acres (approximately 1,219.348 sq ft.) in the Talbot Chambers Survey, Abstract No. 125 in Williamson County, Texas, being all of a 6.367 acre tract, all of a 5.782 acre tract, and all of a 3.662 acre tract conveyed to Larry G. Miller and Leslie M. Miller in a Warranty Deed with Vendor’s Lien dated January 13, 2003 and recorded in Document No. 2003003624 of the Official Public Records of Williamson County, Texas, and all of a 5.777 acre tract conveyed to Larry G. Miller and Leslie M. Miller in a Deed Without Warrant dated July 19, 1991 and recorded in Volume 2041, page 121, all of a 5.412 acre tract and all of a 1.00 acre tract conveyed to Larry G. Miller and Leslie M. Miller in a Special

Warrant Deed dated July 19, 1991 and recorded in Volume 2055, page 679, both of the deed records of Williamson County, Texas.

SECTION TWO: Requests that after annexation the City provide such services as are legally permissible and provided by the City, including sanitation, water and general governmental services as set forth in the written agreement regarding the provision of services attached hereto as Exhibit "B".

SECTION THREE: Acknowledges executing and entering into the agreement, attached hereto as Exhibit "B", and that such agreement is wholly adequate and acceptable to the undersigned who hereby requests the City Council to proceed with the annexation and to publish notice and hold the requisite public hearing thereon, in accordance with the applicable laws of the State of Texas.

SECTION FOUR: Acknowledges that the undersigned understands and agrees that all City services to the subject property will be provided by the City on the same terms and conditions as provided to other similarly situated areas of the City and as provided in the written agreement regarding the provision of services attached hereto as Exhibit "B".

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

FILED, this 7 day of January, 2022, with the City Secretary of the City of Leander, Williamson County, Texas.

Petitioners:

By: 

Name: Nihat Bayhan

Title: Deputy Superintendent

By: _____

Name: _____

Title: _____

STATE OF TEXAS

§

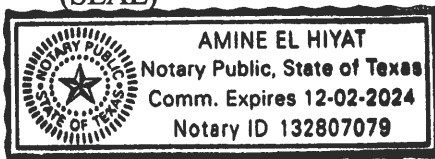
§

COUNTY OF HARRIS §

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 6 day of January 2022.

(SEAL)



Amine. E
Notary Public - State of Texas

STATE OF TEXAS

§

§

COUNTY OF _____ §

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the ___ day of _____ 20__.

(SEAL)

Notary Public - State of Texas

Exhibit “A”

DESCRIPTION OF THE SUBJECT PROPERTY

+/- 27.992 ACRES

EXHIBIT A

Legal Description

Tract I

DESCRIPTION FOR A 27.99 ACRE TRACT

A 27.99 acre tract of land situated in the Talbot Chambers Survey, Abstract 125, partially within the City of Leander, Williamson County, Texas, and being all of that called 5.412 acre tract of land and all of that called 1.00 acre tract of land, both as conveyed to Larry G. Miller and Leslie M. Miller and recorded September 13, 1991 at Volume 2055, Page 679 in the Official Public Records of Williamson County, Texas (O.P.R.), all of that called 5.777 acre tract of land as conveyed to Larry G. Miller and Leslie M. Miller and recorded August 5, 1991 at Volume 2041, Page 121 in the O.P.R., and all of Tract I, called 6.367 acres, Tract II, called 5.782 acres, and Tract III, called 3.662 acres, all as conveyed to Larry G. Miller and Leslie M. Miller and recorded January 14, 2003 at Document Number 2003003624 in the O.P.R., said 27.99 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron rod found in the northerly right-of-way of Hero Way, also known as County Road 269 (variable width R.O.W.) for the southwesterly corner of that called 6.481 acre tract of land as conveyed to Charles Todd Hoskins and wife Patricia Hoskins and recorded January 6, 2004 in Document Number 2004000861 in the O.P.R. for the southeasterly corner of said 6.367 acre tract and the tract described herein;

THENCE: S 68°32'11" W, along and with the northerly right-of-way of Hero Way and the southerly line of said 6.367 acre tract, a distance of 521.24 feet to a calculated point for the southwesterly corner of said 6.367 acre tract and the southeasterly corner of said 5.782 acre tract, and from which point a found ½" iron rod bears N23° E, a distance of 0.57 feet;

THENCE: S 69°00'35" W, along and with the northerly right-of-way of Hero Way and the southerly line of said 5.782 acre tract, a distance of 299.86 feet to a ½" iron rod found for the southeasterly corner of a 60 feet wide access easement as dedicated in Volume 2419, Page 718 in the O.P.R. for the southwesterly corner of said 5.782 acre tract and the tract described herein;

THENCE: N 21°03'59" W, along and with the westerly line of said 5.782 acre tract and the easterly line of said access easement, passing at a distance of 839.43 feet a ½" iron rod found for the northwesterly corner of said 5.782 acre tract and the southwesterly corner of said 5.777 acre tract, and continuing the same course along and with the westerly line of said 5.777 acre tract for a total distance of 1488.99 feet to a ½" iron rod found for the southwesterly corner of that called 19.99 acre tract of land as conveyed to Mila J. Milliorn and recorded June 19, 2006 in Document Number 2006050300 in the O.P.R. for the northwesterly corner of said 5.777 acre tract and the tract described herein;

THENCE: N 68°59'51" E, along and with the northerly line of said 5.777 acre tract and the southerly line of said 19.99 acre tract, a distance of 387.99 feet to a ½" iron rod found for the northeasterly corner of said 5.777 acre tract and the northwesterly corner of said 5.412 acre tract;

THENCE: N 69°02'39" E, along and with the northerly line of said 5.412 acre tract and the southerly line of said 19.99 acre tract, a distance of 429.61 feet to a ½" iron rod found in the westerly line of Lot 1, Block R, HOA POND/DE/LIFT STATION, Palmera Ridge Section 6, a plat of record in Document Number 2020093729 in the O.P.R. for the northeasterly corner of said 5.412 acre tract and the tract described herein;

THENCE: S 21°50'07" E, along and with the easterly line of said 5.412 acre tract and the westerly line of said Lot 1, Block R, a distance of 195.99 feet to a ½" iron rod found for the southwesterly corner of said Lot 1, Block R, and for the northwesterly corner of the remainder of that called 13.371 acre tract of land as conveyed to

Charles Hoskins and wife Patricia Hoskins and recorded May 13, 2002 in Document Number 2002036263 in the O.P.R.;

THENCE: S 20°55'55" E, along and with the easterly line of said 5.412 acre tract and partially along and with the easterly line of said 1.00 acre tract, and the westerly line of said 13.371 acre tract, a distance of 313.66 feet to a ½" iron rod with cap stamped JE GARON 4303 found for the southwesterly corner of said 13.371 acre tract, and for the northwesterly corner of that called 3.000 acre tract of land as conveyed to Denise Hoskins-Lewis and Andrew Hoskins and recorded September 30, 2003 in Document Number 2003096590 in the O.P.R.;

THENCE: S 21°00'07" E, along and with the easterly line of said 1.00 acre tract and the westerly line of said 3.000 acre tract, a distance of 136.38 feet to a ½" iron rod found for the southeasterly corner of said 1.00 acre tract, and for the northeasterly corner of said 6.367 acre tract;

THENCE: S 20°55'12" E, along and with the easterly line of said 6.367 acre tract and the westerly line of said 3.000 acre tract, a distance of 173.55 feet to a ½" iron rod with cap stamped JE GARON 4303 found for the southwesterly corner of said 3.000 acre tract, and for the northwesterly corner of said 6.481 acre tract;

THENCE: S 21°15'10" E, along and with the easterly line of said 6.367 acre tract and the westerly line of said 6.481 acre tract, a distance of 664.96 feet to the **POINT OF BEGINNING** and containing 27.99 acres of land, more or less, partially within the City of Leander, Williamson County, Texas, and being described in accordance with a survey prepared by KFW Surveying. Bearings are based on NAD83 Texas State Plane Central Zone.

Tract II

BEING 1.025 ACRES OF THE TALBOT CHAMBERS SURVEY, ABSTRACT NO. 125, IN WILLIAMSON COUNTY, TEXAS, PART OF A TRACT CALLED 110 ACRES IN A DEED TO J. L. CARTER OF RECORD IN VOLUME 623, PAGE 06, DEED RECORDS OF WILLIAMSON COUNTY, TEXAS. ALSO BEING PART OF A 6.367 ACRE TRACT AND A 6.412 ACRE TRACT, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron pin found at the southeast corner as fenced of said 110 acre tract, and the southeast corner of the 6.367 acre tract, said point lies in the north line of County Road No. 269;

THENCE, South 69 deg. 50' West, 30.00 feet to a point located in the North line of said Road No. 269;

THENCE, North 19 deg. 53' West, 838.91 feet, to an iron pin found, North 19 deg. 08' West, 154.58 feet, to an iron pin found, North 19 deg. 59' 30" West, 295.17 feet, and North 20 deg. 13' West, 196.59 feet;

THENCE, North 70 deg. 21' 15" East, 30.00 feet with the north line of the 6.412 acre tract and the south line of a 20.00 acre tract to an iron pin found,

ThENCE, with the fence along the east line of the 110 acre tract, South 20 deg. 13' East 196.35 feet, an iron pin found at a fence corner, South 19 deg. 59' 30" East 295.29 feet, South 19 deg. 00' East, 154.58 feet to an iron pin found, and South 19 deg. 53' East, 838.91 feet to the point of BEGINNING.

Exhibit “B”

AGREEMENT REGARDING POST-ANNEXATION PROVISION OF SERVICES FOR PROPERTY TO BE ANNEXED INTO THE CITY OF LEANDER

This Agreement is entered into by and between the City of Leander, Texas, a municipal corporation (“City”), and Harmony Public Schools, (“Landowner”), both of which may be referred to herein singularly as “Party” or collectively as the “Parties.”

RECITALS

WHEREAS, upon the request of the Landowner, the City intends to institute annexation proceedings for an area of land described more fully hereinafter and attached hereto (the “subject property”);

WHEREAS, Section 43.0672, Loc. Gov't. Code, requires the Parties to enter into a written agreement identifying a list of public services to be provided to the subject property and a schedule for the provision of those services that are not otherwise provided on the effective date of the annexation;

WHEREAS, this Agreement is being entered into by and between the Parties to comply with Texas Local Government Code, Chapter 43, Sub-Chapter C-3, Section 43.0672, prior to the City’s consideration of an ordinance annexing the subject property, it being understood, acknowledged and agreed by the Parties that annexation of the subject property is a condition precedent to this Agreement becoming effective;

WHEREAS, this Agreement shall be deemed effective on the effective date of an ordinance approved by the City annexing the subject property (the “Effective Date”).

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

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

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

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

The following services and schedule represent the provision of services agreed to between the Landowner of the subject property and the City establishing a program under which the City will provide municipal services to the subject property, as required by section 43.0672 of the Texas Local Government Code. The services detailed herein will be provided at a level consistent with service levels provided to other similarly situated areas within the City.

The following services will be provided for the subject property on the Effective Date of annexation:

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

A. Police protection as follows:

Routine patrols of areas, radio response to calls for police service and all other police services now being offered to the citizens of the City. Upon annexation, police protection will be provided to the subject property at a level consistent with the service to other areas of the City with similar population density and characteristics. The City's police services include neighborhood patrols, criminal investigations, crime prevention, community services and school programs.

B. Fire protection and Emergency Medical Services as follows:

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

C. Solid waste collection services as follows:

Solid waste collection and services as now being offered to the citizens of the City. The City provides residential solid waste collection services within the City limits for a fee under a contract between the City and private refuse collection operator. The residential solid waste collection services include garbage collection, recycling, bulky item collection and yard waste collection. Commercial solid waste collection services are also available. This service will be provided for a fee to any person within the subject property requesting the service after the Effective Date of annexation, provided that a privately owned solid waste management service provider is unavailable. If the subject property is already receiving service, the City may not prohibit solid waste collection by the privately owned solid waste management service provider, nor may the City offer solid waste collection services for a period of two (2) years following the Effective Date of the annexation unless a privately owned solid waste management service provider is or becomes unavailable, as established by Texas Local Government Code section 43.0661. If a landowner uses the services of a privately owned solid waste management service provider or services are available from a privately owned solid waste management service provider during the two (2) years following annexation, the City will not provide solid waste collection services to that landowner.

D. Animal control as follows:

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

E. Maintenance of City-owned parks and playgrounds within the City.

F. Inspection services in conjunction with building permits and routine City code enforcement services by present personnel, equipment and facilities. Municipal Court and General Administration services will also be available to property owners and residents in the subject property on the same basis those facilities are available to current City property owners and residents.

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

H. Land use regulation as follows:

On the effective date of annexation, the zoning jurisdiction of the City shall be extended to include the annexed area, and the use of all property therein shall be grandfathered; and shall be temporarily zoned "SFR-1-B" with the intent to rezone the subject property upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject property at future times in response to requests submitted by the Landowner or authorized city staff. The City will impose and enforce its adopted ordinances, including but not limited to, zoning, subdivision development, site development and building code regulations within the subject property upon the Effective Date of the annexation. Enforcement will be in accordance with City ordinances. Development plans and plats for projects within the subject property will be reviewed for compliance with City standards.

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

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

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

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subject property, or applicable portions thereof, by the utility holding a water certificate of convenience and necessity ("CCN") for the subject property, or portions thereof as applicable, or absent a water CCN, by the utility in whose jurisdiction the subject property, or portions thereof as applicable, is located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of water service. If connected to the City's water utility system, the subject property's owner shall construct the internal water lines and pay the costs of line

extension and construction of such facilities necessary to provide water service to the subject property as required in City ordinances. Upon acceptance of the water lines within the subject property and any off-site improvements, water service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City; subject to all the ordinances, regulations and policies of the City in effect from time to time. The system will be accepted and maintained by the City in accordance with its usual acceptance and maintenance policies. New water line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances of the City in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a water well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject property's owner requests and is able to connect to the City's water utility system.

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

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

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

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

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

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

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

(ii) The City will maintain existing public streets within the subject property, and following installation and acceptance of new roadways by the City as provided by city ordinance, including any required traffic signals, traffic signs, street markings, other traffic control devices and street lighting, the City will maintain such newly constructed public streets, roadways and rights-of-way within the boundaries of the subject property, as follows:

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

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

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

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

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

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: None. Upon development of the subject property or redevelopment, the Landowner will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject property the same as similarly situated properties. When deemed necessary, capital improvement acquisition or construction will occur in accordance with applicable ordinances and regulations and the adopted capital improvement plans of the City, as applicable and amended, which are incorporated herein by reference.

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

(5) **Property Description.** The legal description of the subject property is as set forth in the

Annexation Ordinance and exhibits attached to the Annexation Ordinance to which this Agreement is attached.

(6) **Binding Effect/Authority.** This Agreement binds and inures to the benefit of the Parties and their respective heirs, successors, and permitted assigns. Each Party further warrants that each signatory to this Agreement is legally authorized to bind the respective individual or entity for the purposes established herein.

(7) **Choice of Law.** This Agreement will be construed under the laws of the State of Texas, without regard to choice-of-law rules of any jurisdiction. Venue for any dispute shall lie exclusively in Williamson County, Texas.

(8) **Counterparts.** This Agreement may be executed in any number of counterparts with the same effect as if all signatory Parties had signed the same document. All counterparts will be construed together and will constitute one and the same instrument.

(9) **Legal Construction.** If any provision in this Agreement is for any reason found to be unenforceable, to the extent the unenforceability does not destroy the basis of the bargain among the Parties, the unenforceability will not affect any other provision hereof, and this Agreement will be construed as if the unenforceable provision had never been a part of the Agreement. Whenever context requires, the singular will include the plural and neuter include the masculine or feminine gender, and vice versa. Headings in this Agreement are for reference only and are not intended to restrict or define the text of any section. This Agreement will not be construed more or less favorably between the Parties by reason of authorship or origin of language.

(10) **Entire Agreement.** This Agreement contains the entire Agreement between the Parties relating to the rights herein granted and the obligations herein assumed and cannot be varied except by written agreement of the Parties. Any oral representation or modification concerning this instrument shall be of no force and effect except for any subsequent modification in writing, signed by the Party to be charged.

EXECUTED and AGREED to by the Parties this the ____ day of _____,
20__.

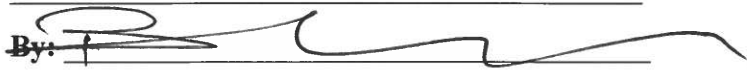
ATTEST:

THE CITY OF LEANDER, TEXAS

Dara Crabtree, City Secretary

Rick Beverlin, City Manager

LANDOWNER(S):

By: 

Name (print): Nihat Bayhan

Title: Deputy Superintendent

Date: 01/06/2022

By: _____

Name (print): _____

Title: _____

Date: _____

Subject Property Description

(insert)

Schedule for Voluntary Annexation

Harmony Public School Annexation+/- 27.99 ACRES

[illegible]

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

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS ANNEXING 27.992 ACRES OF LAND, MORE OR LESS, LOCATED IN WILLIAMSON COUNTY, INCLUDING THE ABUTTING STREETS, ROADWAYS, AND RIGHTS-OF-WAY INTO THE CORPORATE LIMITS OF THE CITY, AT THE REQUEST OF THE PROPERTY OWNER; APPROVING AN AGREEMENT FOR THE PROVISION OF SERVICES FOR THE ANNEXED AREA; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

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

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

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

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

WHEREAS, a public hearing was conducted prior to consideration of this Ordinance in accordance with §43.0673 of the *Tex. Loc. Gov't. Code*;

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

WHEREAS, the City intends to provide services to the property to be annexed according to the agreement for the provision of services attached hereto as Exhibit "B".

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

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

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

All that certain area of land being 27.992 Acres (approximately 1,219.348 sq ft.) in the Talbot Chambers Survey, Abstract No. 125 in Williamson County, Texas, being all of a 6.367 acre tract, all of a 5.782 acre tract, and all of a 3.662 acre tract conveyed to Larry G. Miller and Leslie M. Miller in a Warranty Deed with

Vendor's Lien dated January 13, 2003 and recorded in Document No. 2003003624 of the Official Public Records of Williamson County, Texas, and all of a 5.777 acre tract conveyed to Larry G. Miller and Leslie M. Miller in a Deed Without Warrant dated July 19, 1991 and recorded in Volume 2041, page 121, all of a 5.412 acre tract and all of a 1.00 acre tract conveyed to Larry G. Miller and Leslie M. Miller in a Special Warrant Deed dated July 19, 1991 and recorded in Volume 2055, page 679, both of the deed records of Williamson County, Texas, said property wholly lies in Williamson County, Texas and being more particularly shown and described in the Exhibit "A" attached hereto and incorporated herein for all purposes.

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

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

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

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

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

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

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

PASSED AND APPROVED on First Reading this 17th day of February, 2022.
FINALLY PASSED AND APPROVED on this 3rd day of March, 2022.

ATTEST:

CITY OF LEANDER, TEXAS

Dara Crabtree, City Secretary

Christine DeLisle, Mayor

Exhibit “A”

ANNEXED PROPERTY DESCRIPTION

Exhibit “B”
AGREEMENT REGARDING POST-ANNEXATION PROVISION OF SERVICES
FOR PROPERTY TO BE ANNEXED INTO THE CITY OF LEANDER

[Insert executed Agreement]



EXECUTIVE SUMMARY
03/03/2022

AGENDA SUBJECT:

Approval of the Second Reading of an Ordinance regarding Zoning Case 21-Z-040 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to LO-2-B (Local Office) on eight (8) parcels of land approximately 27.99 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R031590, R031591, R031592, R031594, R031595, R508113, R508114, and R508115; and addressed as 3250 Hero Way, Leander, Williamson County, Texas.

BACKGROUND:

This request is the final step in the zoning process. The Planning & Zoning Commission unanimously recommended approval of the request during the January 27, 2022 meeting.

HISTORY/TIMELINE:

10/20/2010 - Annexation of the property adjacent to Hero Way
01/27/2022 - Planning & Zoning Commission, 1st Public Hearing
02/17/2022 - City Council, 2nd Public Hearing & 1st Reading of the Ordinance

APPLICANT/AGENT:

Harmony Public Schools (Nihat Bayhan) on behalf of Gignac & Associates, LLP (Nick Gignac)

RECOMMENDATION:

The City Council unanimously approved this request during the February 17, 2022 meeting.

PRESENTER:

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

Attachments

1. Planning Analysis
2. Current Zoning Map
3. Future Land Use Map
4. Public Notice Map
5. Proposed Zoning Map
6. Aerial Map
7. Letter of Intent
8. Summary of Neighborhood Outreach
9. Ordinance
10. P&Z Minutes



PLANNING ANALYSIS

ZONING CASE 21-Z-040
HARMONY PUBLIC SCHOOLS
3250 HERO WAY

GENERAL INFORMATION

Owner/Agent: Applicant/Agent: Harmony Public Schools (Nihat Bayhan) on behalf of Gignac & Associates, LLP (Nick Gignac).

Current Zoning: Interim SFR-1-B (Single-Family Rural) and ETJ (Extra Territorial Jurisdiction)

Proposed Zoning: LO-2-B (Local Office)

Size and Location: The properties are located at 3250 Hero Way, including approximately 27.99 acres within eight parcels.

Staff Contact: Cory Dale
Planner

APPLICANT REQUEST

The applicant has submitted a request for annexation concurrently with a change to the assigned zoning district for a portion of their site along Hero Way in order to build a public charter school in two phases. Phase 1 will consist of an elementary school while Phase 2 will expand to a middle/high school.

STAFF CONCLUSIONS

Y N

- ☒ ☐ Does the proposal comply with the intent statements of the Composite Zoning Ordinance? *see pages 2 & 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 property is subject to an annexation development agreement. Annexation of the property is required when the property redevelops. The annexation request (21-A-009) will be reviewed concurrently with the zoning request.

SITE INFORMATION:

ABUTTING ZONING AND LAND USE:

	ZONING	LAND USE
NORTH	Interim SFR-1-B	Agriculture
EAST	Interim SFR-1-B PUD (SF)	Residential Palmera Ridge PUD
SOUTH	Interim SFR-1-B	Residential and undeveloped
WEST	HC-4-C HC-5-D	Undeveloped

SURROUNDING AREA:

This property is located approximately 3,300 feet east of the intersection of 183A and Hero Way and southwest of Palmera Ridge Section 6.

PHYSICAL AND NATURAL FEATURES:

This property contains two (2) large detention areas and a single home.

PROPERTY HISTORY:

Annexation and assignment of Interim zoning for front portion of project facing Hero Way per Ordinance 10-26-00 on 10/20/20210. Remaining portions of the property were kept ETJ with future annexation request and zoning per development agreement.

MAJOR CORRIDORS:

This property has access onto Hero Way.

TRANSPORTATION PLAN REQUIREMENTS:

This property includes ROW dedication along Hero Way along with a ten (10') sidewalk. At the time of Concept Plan Submittal, the applicant will submit either a Traffic Impact Analysis (TIA) or a fee in lieu of TIA as determined by the City Engineer. Per Transportation Master Plan, the proposed project will also include trails segments for both Brushy Creek Main Branch trail (west) and Old Sam Bass Trail (east).

EXISTING UTILITIES:

This property has access to a 12" water line at southwest corner of the tract within Hero Way ROW. The nearest waste water line is an 8" line, located approximately 580 feet west within the ROW of Hero Way.

CURRENT LAND USES:

This property is currently being used as single-family residence.

PROPOSED ZONING DISTRICT:**USE COMPONENT****LO – LOCAL OFFICE:**

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

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

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.

ARCHITECTURAL COMPONENT

TYPE B:

Features: Four (4) or more architectural features.

Intent:

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

COMPREHENSIVE PLAN:

Applicable Comprehensive Plan goal statements

- Guide future growth and development following the comprehensive plan to achieve a more balanced, diverse economy;
- Provide new Commercial development opportunity;
- Prioritize commercial growth through the use of zoning

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: 80-100% Non-Residential, 0-20% 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 8/02/2021. No changes were made to the project since the development meeting was held.

NOTIFICATION

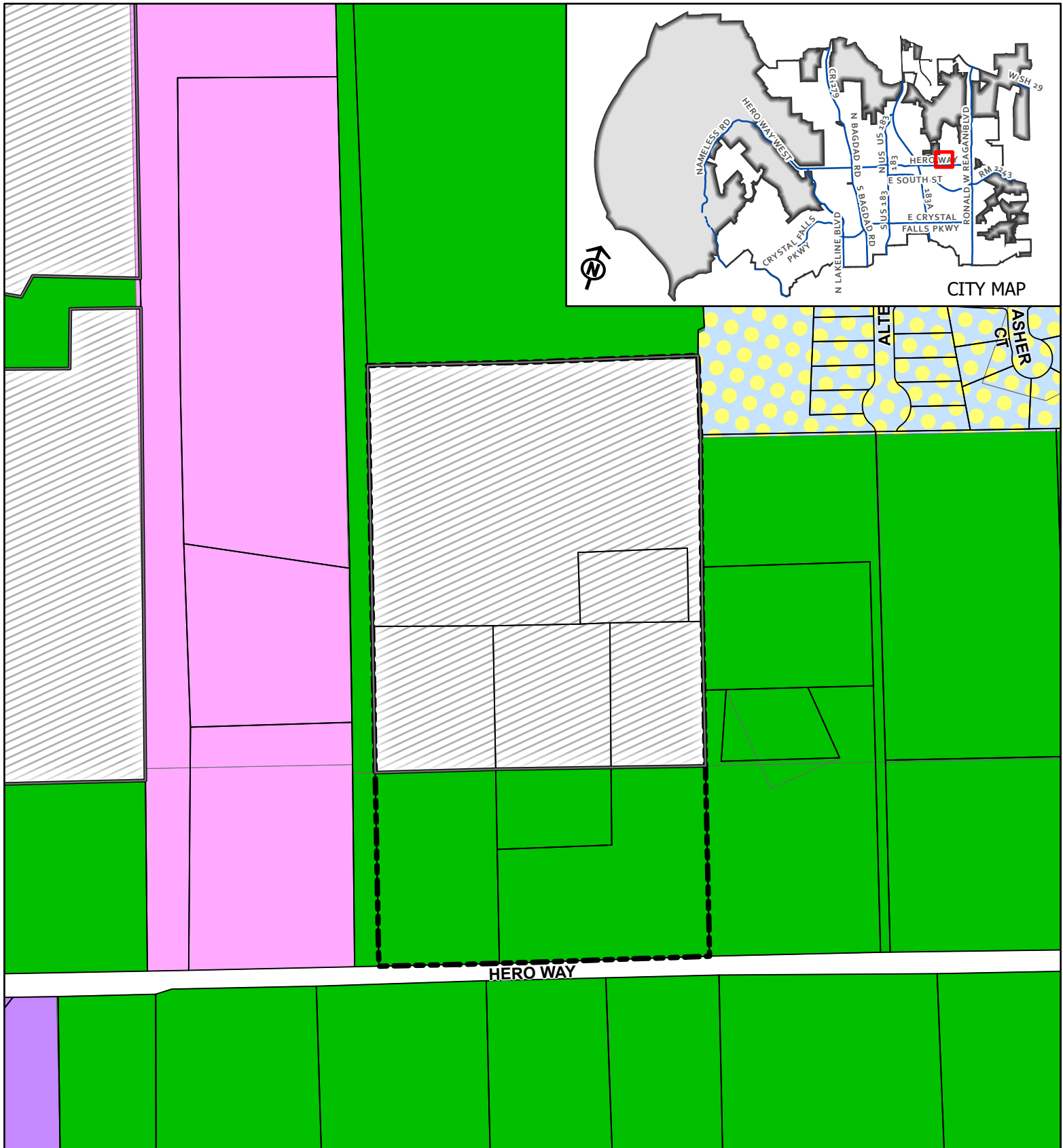
1/06/2022 - Public Notice on Hill Country News
1/12/2022 - Mail Notification to Property Owners within 200'
1/12/2022 - Public Hearing Signage Posted on Property
1/27/2022 - Planning and Zoning Commission Public Hearing
2/17/2022 - City Council Public Hearing & First Reading of the Ordinance
3/03/2022 - City Council Second & Final Reading of the Ordinance

PUBLIC NOTIFICATION:

Notices were mailed by City staff to all property owners within 200 feet. Neighborhood outreach information per applicant within packet as attachment 8.

APPROVAL CRITERIA:

The zoning request of LO-2-B is in line with the zoning suitability outlined per the 2020 Leander Comprehensive Master Plan. The proposed use is compatible with both adjoining neighborhood of Palmera Ridge, agricultural homesteads in the area and future commercial to the west. Staff will note the school proposal is compatible with the current Interim SFR-1-B zoning as well as the remaining ETJ designation and encourages the uniform zoning for the eight tracts within the project.



CASE: 21-Z-040

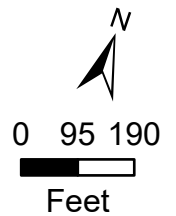
ATTACHMENT #2

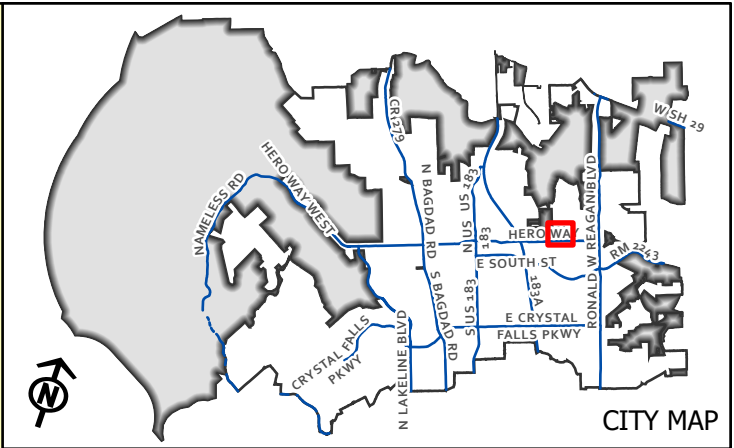
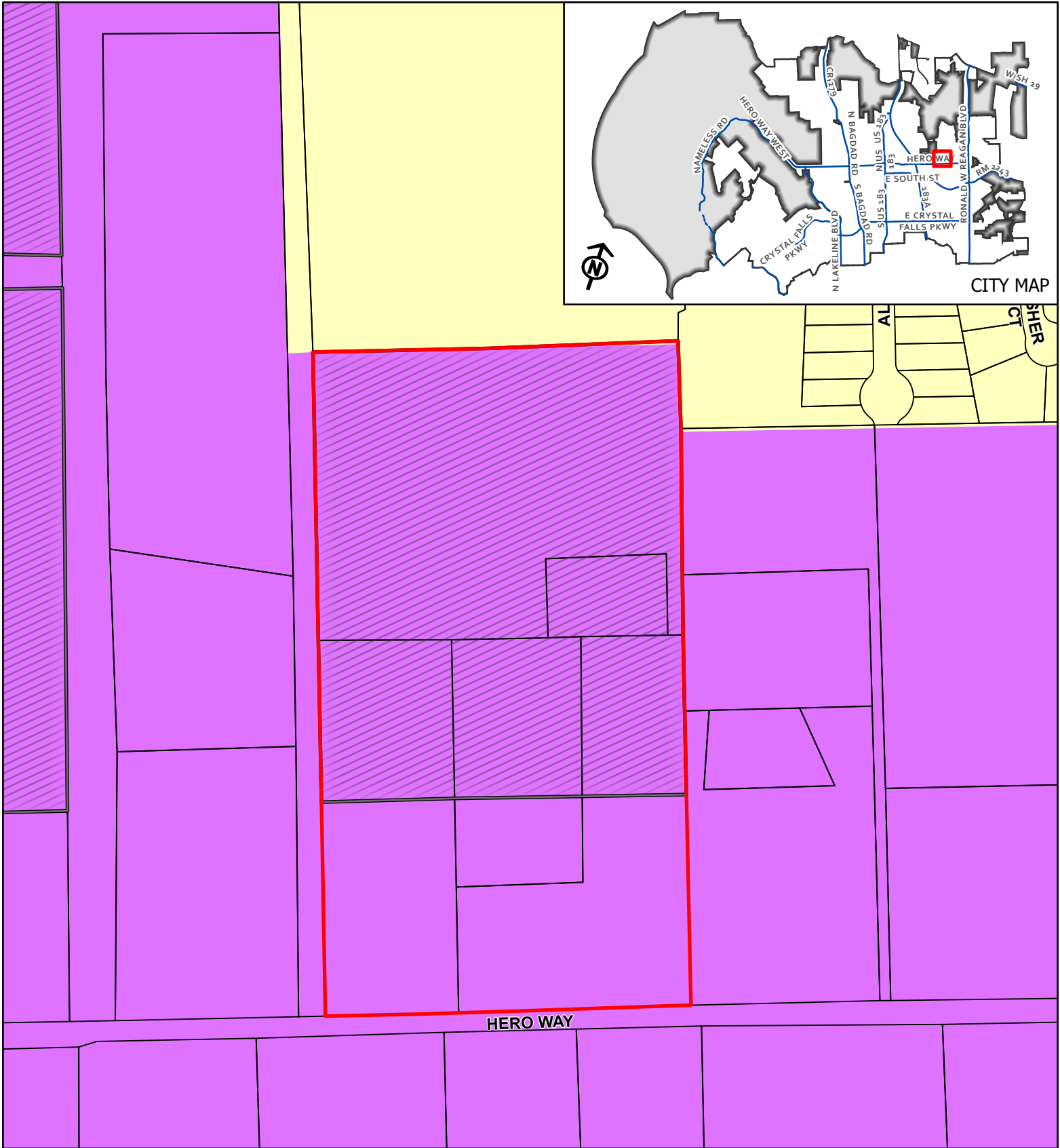
HARMONY PUBLIC
SCHOOLS

Current Zoning 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
-  Leander ETJ
-  Subject Area
-  SFR - Single-Family Rural
-  HC - Heavy Commercial
-  HI - Heavy Industrial
-  PUD - Single-Family





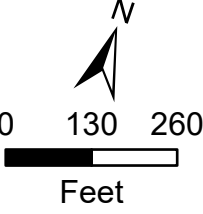
CASE: 21-Z-040

ATTACHMENT #3

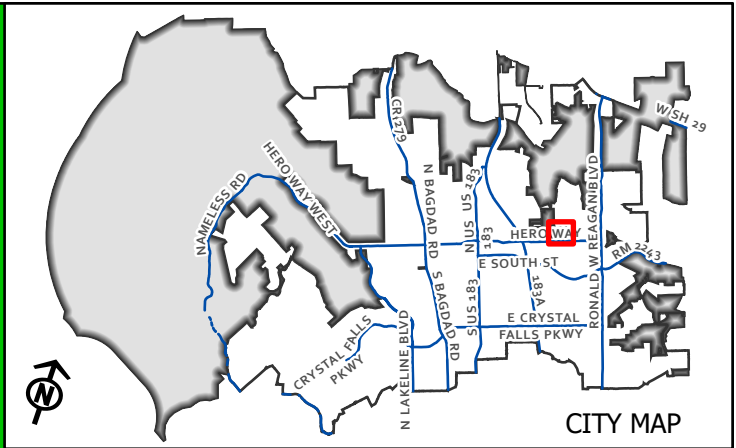
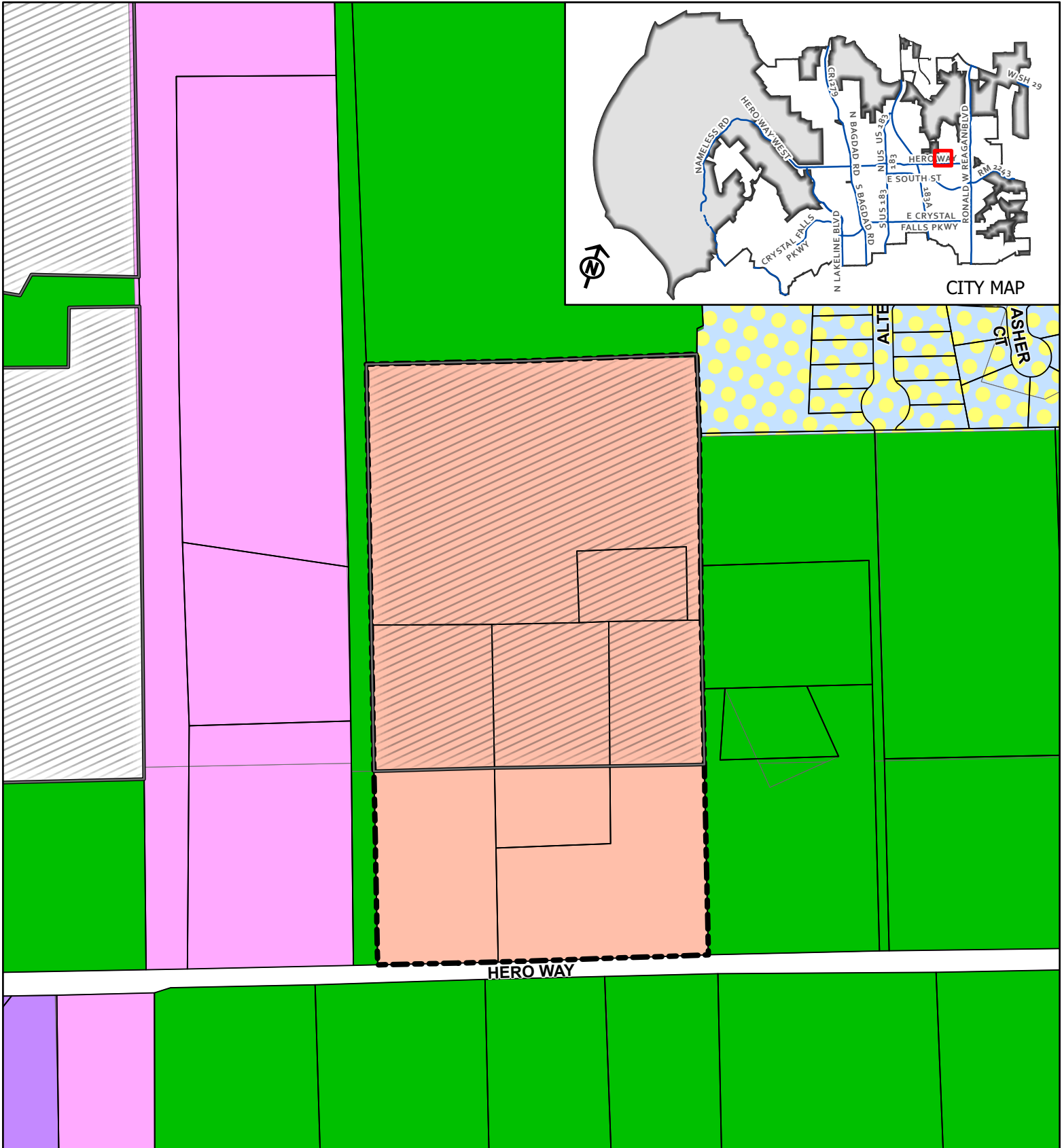
HARMONY PUBLIC SCHOOLS

Future Land Use 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
- Leander ETJ
- Subject Area
- Employment Center
- Neighborhood Residential



CASE: 21-Z-040

ATTACHMENT #5

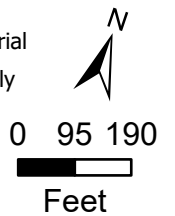
HARMONY PUBLIC SCHOOLS

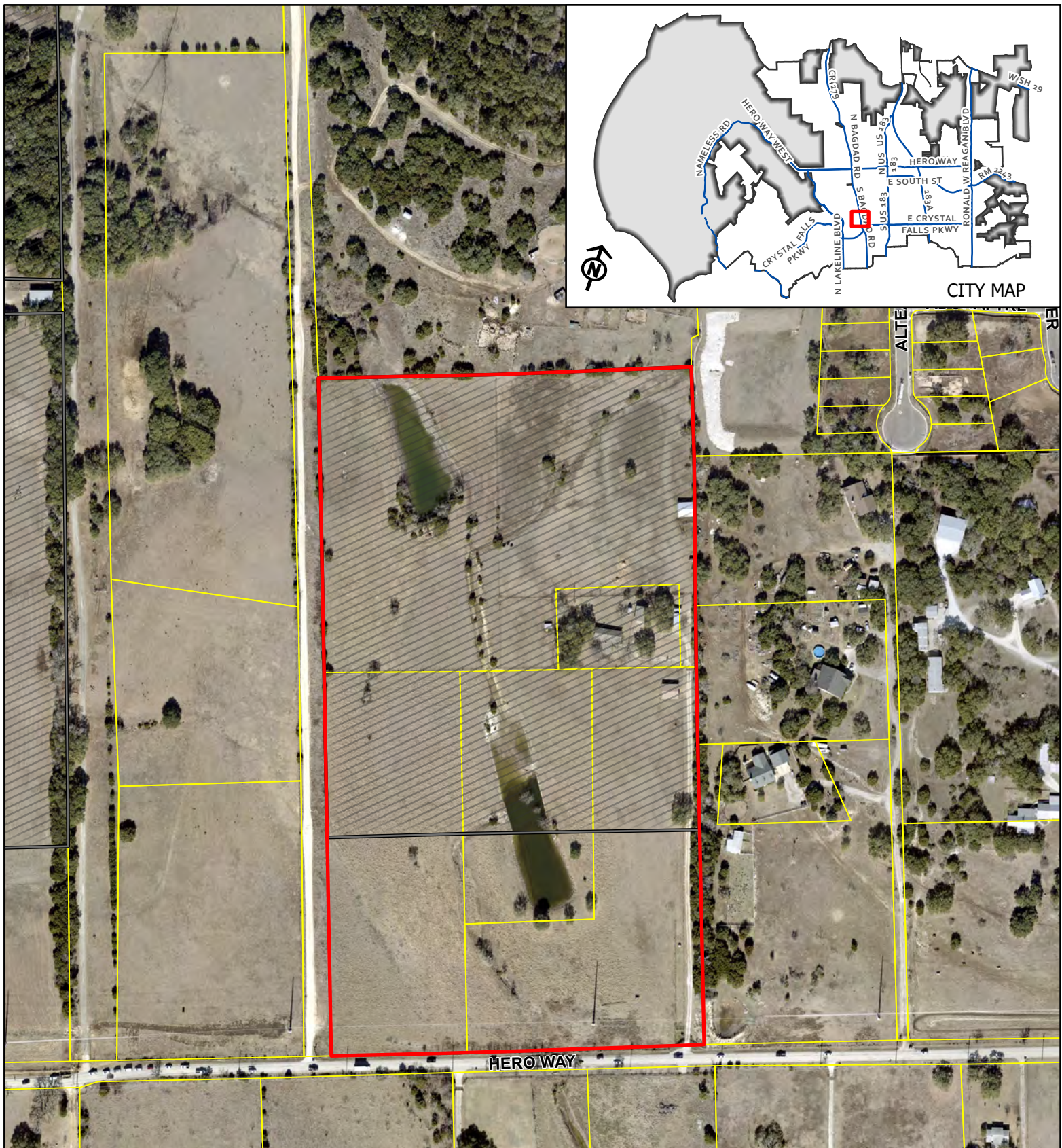
Proposed Zoning Map

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
- Leander ETJ
- Subject Area

- SFR - Single-Family Rural
- LO - Local Office
- HC - Heavy Commercial
- HI - Heavy Industrial
- PUD - Single-Family





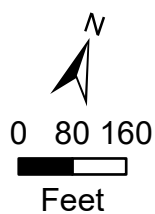
CASE: 21-Z-040

ATTACHMENT #6

HARMONY PUBLIC
SCHOOLS

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
 Leander ETJ
 Subject Area



Dr. Nihat Bayhan
Deputy Superintendent of Operations and Business
nbayhan@harmonytx.org

9321 W Sam Houston Pkwy S
Houston, Texas 77099
(713) 343-3333

October 7, 2021

Robin Griffin, Planning Director
City of Leander
201 N. Brushy Street
Leander, Texas 78641

Re: Letter of Intent for Zoning Change Application by Harmony Public Schools, a Texas non-profit corporation ("Harmony"), relating to Tracts Located at 3250 Hero Way in the ETJ and Corporate Limits of the City of Leander, Texas

Ms. Griffin:

On behalf of Harmony, and in connection with our related application for voluntary annexation of certain tracts, please accept this letter as our formal request for a change in zoning designation to "**LO-2-B**" for the following tracts, all of which are contiguous and are, or will be, located within the corporate limits of the City of Leander:

<u>Tax Parcel ID No.</u>	<u>Approximate Land Area</u>	<u>Current Zoning</u>
R031590	2.502 acres	(ETJ)
R031591	2.389 acres	(ETJ)
R031592	1.972 acres	(ETJ)
R031594	12.214 acres	(ETJ)
R031595	1.000 acres	(ETJ)
R508113	3.280 acres	SFR-1-B
R508114	1.273 acres	SFR-1-B
R508115	4.395 acres	SFR-1-B

Harmony understands that any land annexed into the City of Leander shall be temporarily zoned "SFR-1-B" upon annexation. It is Harmony's intent that all tracts referenced in this letter be rezoned to "**LO-2-B**" as soon as possible.

Overall, the property is rectangular in shape and contains approximately 27.99 acres of land. It is located to the north of Hero Way, with approximately 821 feet of frontage on Hero Way. Based

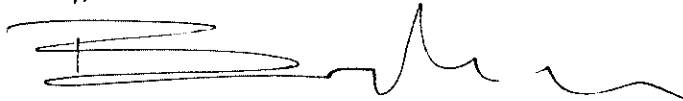
Harmony Public Schools – 3250 Hero Way
October 7, 2021
Page 2

on Harmony's investigation, the property is bordered on all sides by undeveloped tracts or low-density residential property. The northeast corner of the property abuts certain land located within a residential subdivision but designated as a greenspace and not intended for future residential development.

The proposed development of the property consists of a two-phase project to be owned and operated by Harmony as an open-enrollment public charter school. Phase 1 will consist of an elementary school and Phase 2 will consist of a middle/high school. Once completed, Harmony expects the entire campus to serve approximately 1500 students.

Please let me know if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nihat Bayhan', with a stylized, flowing script.

Dr. Nihat Bayhan
Harmony Public Schools

Enclosures

1. Zoning Change Application & Checklist
 - a. Exhibits to Zoning Change Application, as applicable
2. Check for Payment of the Application Fee

cc: Mehmed Milanovic, Harmony Public Schools
Nick Gignac, Gignac & Associates LLP
Matthew Rector, Halff Associates, Inc.
Ryan Bledsaw, Hunton Andrews Kurth LLP

APPLICANT'S SUMMARY OF NEIGHBORHOOD COMMUNICATIONS

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.

Harmony's attorney sent letters by certified mail to all property owners and HOA within 500' on 11/10/21. The names and address are included in the spreadsheet attached to this application. The letters provided (a) information about the project and Harmony, (b) contact information for the project architect N.Gignac to answer any specific questions, and (c) notice of a meeting to be held on Monday 11/15/21 via Zoom conferencing and conference call, including a link and telephone number to join that meeting. The meeting was attended by residents M.Avala, V.Mahendru, G.Herman, and Mr. or Ms. Hoskins, and by Harmony representatives E.Caglar, M.Milanovic, N.Gignac, and R.Bledsaw

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.

Please see spreadsheet included with this application. Certified letters were sent to every name and mailing address listed in the spreadsheet (please disregard the font color and headers used for our organizational purposes).

Contact information for the Harmony team was included in the certified letters, so we will update our application if any further comments are received.

3. What concerns were raised during these communications?

The 11/15/21 meeting yielded approximately 40 minutes of conversation with residents. Questions included: (1) What is the project timeline? (2) What is the current zoning designation and what new designation is being requested? (3) Has TxDOT made any impositions on the property? (4) From what locations will Harmony draw water and sewer service? (5) Is Harmony supportive of residential development in the immediate area?

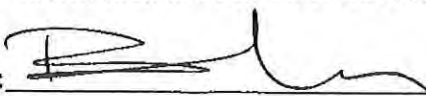
Some residents expressed supportive opinions about the Harmony project, including both the design features and educational opportunities.

No negative opinions were expressed. Residents asked whether Harmony would support additional residential development, and Harmony said yes.

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

None. Primarily, residents wanted to discuss what types of development Harmony would support in the area. Harmony noted that it has built schools in a variety of areas statewide. More residential development is always helpful, and a mixture of various residential and commercial uses is typical. When a resident asked what zoning designation Harmony desired, Harmony answered "LO" and the feedback received seemed to be only positive.

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

Signature: 

Date 11/16/2021

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING THE ZONING ORDINANCE BY REZONING EIGHT PARCELS OF LAND OF INTERIM SFR-1-B (SINGLE-FAMILY RURAL) TO LO-2-B (LOCAL OFFICE); 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 parcels of land being including 27.992 acres $\pm$; being more particularly described in Exhibit "A"; commonly known as 3250 Hero Way; identified by Williamson Central Appraisal District tax identification numbers R031590, R031591, R031592, R031594, R031595, R508113, R508114, and R508115; more particularly described in Instrument Number 2021088010 recorded in the Official Public Records of Williamson County, Texas.

SECTION 4. Property Rezoned. The Zoning Ordinance is hereby amended by changing the zoning district for the Property from Interim SFR-1-B (Single-Family Rural) to LO-2-B (Local Office) as shown in Exhibit "A".

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 17th day of February, 2022.
FINALLY PASSED AND APPROVED on this the 3rd day of March, 2022.

ATTEST:

THE CITY OF LEANDER, TEXAS:

Dara Crabtree, City Secretary

Christine DeLisle, Mayor



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

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

January 27, 2022 at 7:00 PM



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

Place 5 – Gary Hampton, Jr.
Place 6 – Laura Lantrip
Place 7 – Rick Carpenter

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

1. Call to Order at 7:00 pm.
2. Roll Call. Reflected all present.
3. Director's report to the Planning & Zoning Commission on actions taken by the City Council at the January 20, 2022 meeting
4. Review of meeting protocol.
5. Citizen Comments: Three (3) minutes allowed per speaker.
[Please turn in speaker request form before the meeting begins.]

CONSENT AGENDA: ACTION

Motion made by Commissioner Ron May, seconded by Vice Chair Donnie Mahan to approve Consent agenda items 6-9.

AYE: Vice Chair Donnie Mahan, Chair John Cosgrove, Commissioner Ron May,
Commissioner Deirdre Moss, Commissioner Gary Hampton, Jr., Commissioner Laura
Lantrip, Commissioner Rick Carpenter

7 - 0 Passed

6. Approval of Subdivision Case 21-SFP-001 regarding SJ&A River Addition Short Form Final Plat on two parcels of land approximately 9.412 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District R549158 and R032202; generally located west of Ronald W. Reagan Blvd. and east of Arapaho Mountain Pass, Leander, Williamson County, Texas.

7. Approval of Subdivision Case 11-SFP-001 regarding Crystal Village Phase One Short Form Final Plat on portions of four parcels of land approximately 17.315 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R432786, R031200, R080605, and R031201; generally located to the southeast of the intersection of E Crystal Falls Pkwy and 183A Toll Road, Leander, Williamson County, Texas.
8. Approval of the Subdivision, Site Development, and Dry Utility Application Forms pursuant to Article IX, Section 9 (a) (1) c. of the Composite Zoning Ordinance; Leander, Williamson & Travis Counties, Texas.
9. Approval of Minutes.

PUBLIC HEARING: ACTION

10. Chair Cosgrove opened a Public Hearing at 7:01 pm and consider action regarding Zoning Case 21-Z-026 to amend the current zoning of SFU/MH-2-B (Single-Family Urban/Manufactured Home) to create the Sky Heights PUD (Planned Unit Development) with a base zoning of SFT-2-B (Single-Family Townhouse) on one parcel of land approximately 2.68 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R036438; legally described as Lot 3, Blk A, Leander Heights Section 2; and more commonly known as 415 Lion Dr, Leander, Williamson County, Texas. No one spoke in favor or opposition of the request. The public hearing closed at 7:07 pm.

- Discuss and consider action regarding Zoning Case 21-Z-026 as described above.

Motion made by Commissioner Laura Lantrip, seconded by Commissioner Deirdre Moss

AYE: Vice Chair Donnie Mahan, Chair John Cosgrove, Commissioner Ron May,
Commissioner Deirdre Moss, Commissioner Gary Hampton, Jr., Commissioner Laura
Lantrip, Commissioner Rick Carpenter

7 - 0 Passed

11. Chair Cosgrove opened a Public Hearing at 7:13 pm and consider action regarding Zoning Case 21-Z-037 to amend the current zoning of LC-2-B (Local Commercial) and SFU/MH-2-B (Single-Family Urban/Manufactured Home) to GC-3-C (General Commercial) and LC-2-A (Local Commercial) on two parcels of land approximately 1.5660 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R035565 and R035563; and addressed as 1007 and 1009 Los Vista Drive, Williamson County, Texas. No one spoke in favor or opposition of the request. The public hearing closed at 7:18 pm.

- Discuss and consider action regarding Zoning Case 21-Z-037 as described above.

Motion made by Vice Chair Donnie Mahan, seconded by Commissioner Laura Lantrip

AYE: Vice Chair Donnie Mahan, Chair John Cosgrove, Commissioner Ron May,
Commissioner Deirdre Moss, Commissioner Gary Hampton, Jr., Commissioner Laura
Lantrip, Commissioner Rick Carpenter

7 - 0 Passed

12. Chair Costrove opened a Public Hearing at 7:23 pm and consider action regarding Zoning Case 21-Z-040 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to LO-2-B (Local Office) on eight parcels of land approximately 27.99 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R031590, R031591, R031592, R031594, R031595, R508113, R508114, and R508115; and addressed as 3250 Hero Way, Leander, Williamson County, Texas. Denise Lewis, 3336 Hero Way Leander, TX 78641 was opposed to this item. Charles Hoskins, 3350 Hero Way Leander, TX 78641 was opposed to this item. The public hearing closed at 7:29 pm.

- Discuss and consider action regarding Zoning Case 21-Z-040 as described above.

Motion made by Commissioner Gary Hampton, Jr., seconded by Vice Chair Donnie Mahan

AYE: Vice Chair Donnie Mahan, Chair John Cosgrove, Commissioner Ron May,
Commissioner Deirdre Moss, Commissioner Gary Hampton, Jr., Commissioner Laura
Lantrip, Commissioner Rick Carpenter

7 - 0 Passed

13. Chair Cosgrove opened a Public Hearing at 7:37 pm and consider action regarding Zoning Case 21-Z-041 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to GC-3-C (General Commercial) on two parcels of land approximately 22.039 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R031358 and R602142; and addressed as 8622 183A Toll Road, Leander, Williamson County, Texas. No one spoke in favor or opposition of the request. The public hearing closed at 7:42 pm.

- Discuss and consider action regarding Zoning Case 21-Z-041 as described above.

Motion made by Commissioner Ron May, seconded by Commissioner Laura Lantrip

AYE: Vice Chair Donnie Mahan, Chair John Cosgrove, Commissioner Ron May,
Commissioner Deirdre Moss, Commissioner Gary Hampton, Jr., Commissioner Laura
Lantrip, Commissioner Rick Carpenter

7 - 0 Passed

14. Chair Cosgrove opened a Public Hearing at 7:45 pm and consider action regarding Zoning Case 21-Z-043 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to GC-2-B (General Commercial) on five parcels of land approximately 33.911 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R555235, R555246, R031297, R555247, R031279; and addressed as 2957, 3345, 3549, & 3919 Hero Way, Leander, Williamson County, Texas. Charles Hoskins, 3350 Hero Way Leander, TX 78641 was opposed to this item. The public hearing closed at 7:51 pm.

- Discuss and consider action regarding Zoning Case 21-Z-043 as described above.

Motion made by Vice Chair Donnie Mahan, seconded by Commissioner Ron May

AYE: Vice Chair Donnie Mahan, Chair John Cosgrove, Commissioner Ron May,
Commissioner Deirdre Moss, Commissioner Gary Hampton, Jr., Commissioner Laura
Lantrip, Commissioner Rick Carpenter

7 - 0 Passed

15. Chair Cosgrove opened a Public Hearing at 7:54 pm and consider action regarding Zoning Case 21-Z-045 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to HC-4-D (Heavy Commercial) on three parcels of land approximately 12.819 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R555216, R319481 and R031282; and addressed as 2871 Hero Way, Leander, Williamson County, Texas. Chalres Hosking, 3350 Hero Way Leander, TX 78641 was opposed to this item. The public hearing closed at 7:58 pm.
- Discuss and consider action regarding Zoning Case 21-Z-045 as described above.

Motion made by Commissioner Rick Carpenter, seconded by Commissioner Deirdre Moss

AYE: Vice Chair Donnie Mahan, Chair John Cosgrove, Commissioner Ron May,
Commissioner Deirdre Moss, Commissioner Gary Hampton, Jr., Commissioner Laura
Lantrip, Commissioner Rick Carpenter

7 - 0 Passed

REGULAR AGENDA

16. Received a presentation from Kimley-Horn & Associates (KHA) regarding the draft land use assumptions and capital improvements plan for the 2022 Roadway Impact Fee Study.
17. Adjournment at 8:47 pm.

APPROVED:

CHAIRMAN COSGROVE

ATTEST:

ELLEN COUFAL
PLANNING & ZONING COMMISSION SECRETARY



EXECUTIVE SUMMARY
03/03/2022

AGENDA SUBJECT:

Approval of the Second Reading of an Ordinance regarding Zoning Case 21-Z-041 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to GC-3-C (General Commercial) on two (2) parcels of land approximately 22.039 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R031358 and R602142; and addressed as 8622 183A Toll Road, Leander, Williamson County, Texas.

BACKGROUND:

This request is the final step in the zoning process. The Planning & Zoning Commission unanimously recommended approval of the request during the January 27, 2022 meeting.

HISTORY/TIMELINE:

01/17/2013 - Annexation

01/27/2022 - Planning & Zoning Commission, 1st Public Hearing

02/17/2022 - City Council, 2nd Public Hearing & 1st Reading of the Ordinance

APPLICANT/AGENT:

SEC Planning, LLC on behalf of Shri Vaamana Estates, LLC.

RECOMMENDATION:

The City Council unanimously approved this request during the February 17, 2022 meeting.

PRESENTER:

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

Attachments

1. Planning Analysis
2. Current Zoning Map
3. Future Land Use Map
4. Public Notice Map
5. Proposed Zoning Map
6. Aerial Map
7. Letter of Intent
8. Neighborhood Outreach Summary
9. Ordinance
10. P&Z Minutes



PLANNING ANALYSIS

ZONING CASE 21-Z-041
CREEKSIDE COMMONS COMMERCIAL
8622 183A TOLL RD

GENERAL INFORMATION

Owner/Agent: SEC Planning, LLC on behalf of Shri Vaamana Estates, LLC

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

Proposed Zoning: GC-3-C (General Commercial)

Size and Location: Located on two parcels of land approximately 22.039 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R031358 and R602142; and addressed as 8622 183A TOLL RD, Leander, Williamson County, Texas.

Staff Contact: Justin Hunt
Planner

APPLICANT REQUEST

The applicant has submitted a request to change the designated zoning district of their property in order to develop 22 acres with a mix of commercial and office in an attempt to provide employment, retail and service opportunities of a destination variety with strong vehicular accessibility from 183-A Toll Road.

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?

SITE INFORMATION:

ABUTTING ZONING AND LAND USE:

	ZONING	LAND USE
NORTH	PUD	PEC Data Center
EAST	Interim SFR-1-B SFR-1-B	Generation Church- Single-Family Premier Athletic Complex- Commercial
SOUTH	Interim SFR-1-B	Undeveloped
WEST	183-A Toll Road PUD GC-3-A	Toll Road Leander Springs PUD- Undeveloped Parkside Village - Undeveloped

SURROUNDING AREA:

This property is located south of the PEC PUD and future PEC Data Center, and located to the East is Generation Church and Premier Athletic Complex. This parcel is located north of a single-family zoned parcel that is undeveloped. Directly adjacent to 183-A Toll Road to the east, the property is across from future developments like Leander Springs and Parkside Village.

PHYSICAL AND NATURAL FEATURES:

This property contains scattered trees and a pond. From satellite imagery you can notice some drainage patterns across the open land. The land slopes to the rear of the property having the front of the property adjacent to 183-A Toll Road at a higher grade.

PROPERTY HISTORY:

This property was annexed into the City of Leander on January 17, 2013.

MAJOR CORRIDORS:

This property has access onto 183-A Toll Road.

TRANSPORTATION PLAN REQUIREMENTS:

This property includes 183-A Toll Road and sidewalk improvements.

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
183-A Toll Road	Toll Road	Access Controlled	400' ROW Access Controlled 10' sidewalk

EXISTING UTILITIES:

This property has access to water from a 12" and 8" on the west side of 183-A Toll Road or from an 8" along E. Woodview Drive.

This Property has closest access to an 8" wastewater line through the Stewart's crossing.

CURRENT LAND USES:

This property is currently undeveloped.

PROPOSED ZONING DISTRICT:**USE COMPONENT****GC – GENERAL COMMERCIAL:**

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

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

SITE COMPONENT**TYPE 3:**

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

Intent:

- (1) A Type 3 site component is intended to be utilized with LO and LC use components where adjacent to less restricted districts to provide for a land use transition.
- (2) This component is intended to be utilized with residential components where accessory dwellings or additional accessory structures are appropriate and are not provided for in the Type 1 or 2 site components.
- (3) This component is intended to be combined with LO, LC, GC, HC and HI components where it is appropriate to utilize the outdoor site area for outdoor fuel sales, limited outdoor display and storage or accessory buildings.
- (4) Compliance with Type 1 or 2 standards shall also be deemed as compliance with this component.

ARCHITECTURAL COMPONENT**TYPE C (non-residential only):**

Features: 3 or more architectural features.

Intent:

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

COMPREHENSIVE PLAN:**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**MULTI-USE CORRIDOR**

- The Multi-Use Corridor future development category is intended for mixed-use areas to be developed at a higher density/intensity and with uses not primarily supported in Neighborhood Residential. These areas are intended to provide for a mix of both commercial and residential uses that are not integrated into neighborhoods but maintain a seamless, compatible transition between residential and commercial uses.

Multi-Use Corridors are not intended for strip commercial nor are they expected to be predominantly commercial. These corridors have been identified as opportunity areas for businesses and daily services, high-intensity residential such as townhouses, civic and employment uses, but also traditional single-family neighborhoods where streets access these corridors.

These areas are intended to be developed with an auto-oriented character, which means vehicles and parking areas are a primary visual characteristic from the street. Access management is recommended to maintain safe traffic movement along these streets. Appropriate bufferyards are required to ensure compatibility with adjacent Neighborhood Residential.

DESIRED MIX: 40-60% Non-Residential, 0-40% Residential

COMPATIBLE ZONING: SFT, TF, CH LO, LC, GC (Priority Corridors*), PUD

NEIGHBORHOOD RESIDENTIAL

- The Neighborhood Residential land use category is intended to be developed primarily as new single-family detached residential subdivisions with associated amenities, such as parks, trails, open space areas, and elementary schools. These areas are intended to have a mix of suburban and auto-oriented development character which are primarily found in the form of detached residential lots.

Architectural styles, building height and massing are relatively uniform in this type of land use. Most streets are considered to be local and low-volume with curb and gutter, sidewalks, consistent speeds and highly accessible driveways. Strategically located parks are essential and in some cases a school or other institutional use are integrated or in close proximity.

Some neighborhood-serving retail and office uses are permitted in these areas with highly-restrictive use, site and design requirements. These type of uses are residential in scale and architectural design and are walkable in nature, though auto-serving. These uses are not shown on the Future Land Use Map as commercial and are supported when integrated into a development with appropriate site and zoning compatibility considerations.

COMPATIBLE ZONING: SFR, SFE, SFS, SFU, SFC, SFL, SFT, TF, CH, NR, PUD

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 09/27/2021. No changes have been made to the project since the development meeting was held:

NOTIFICATION

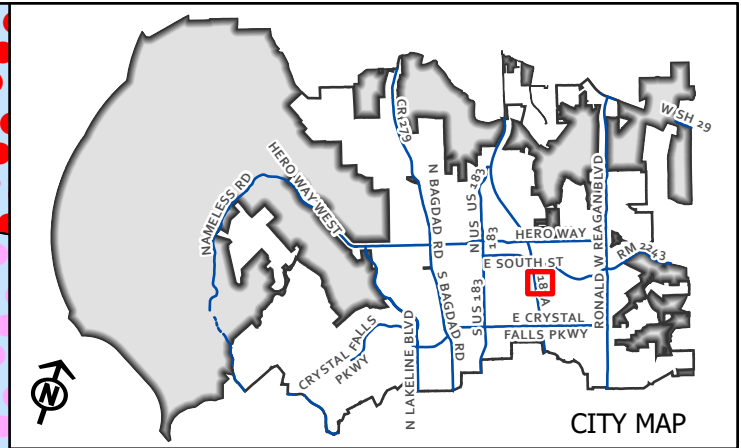
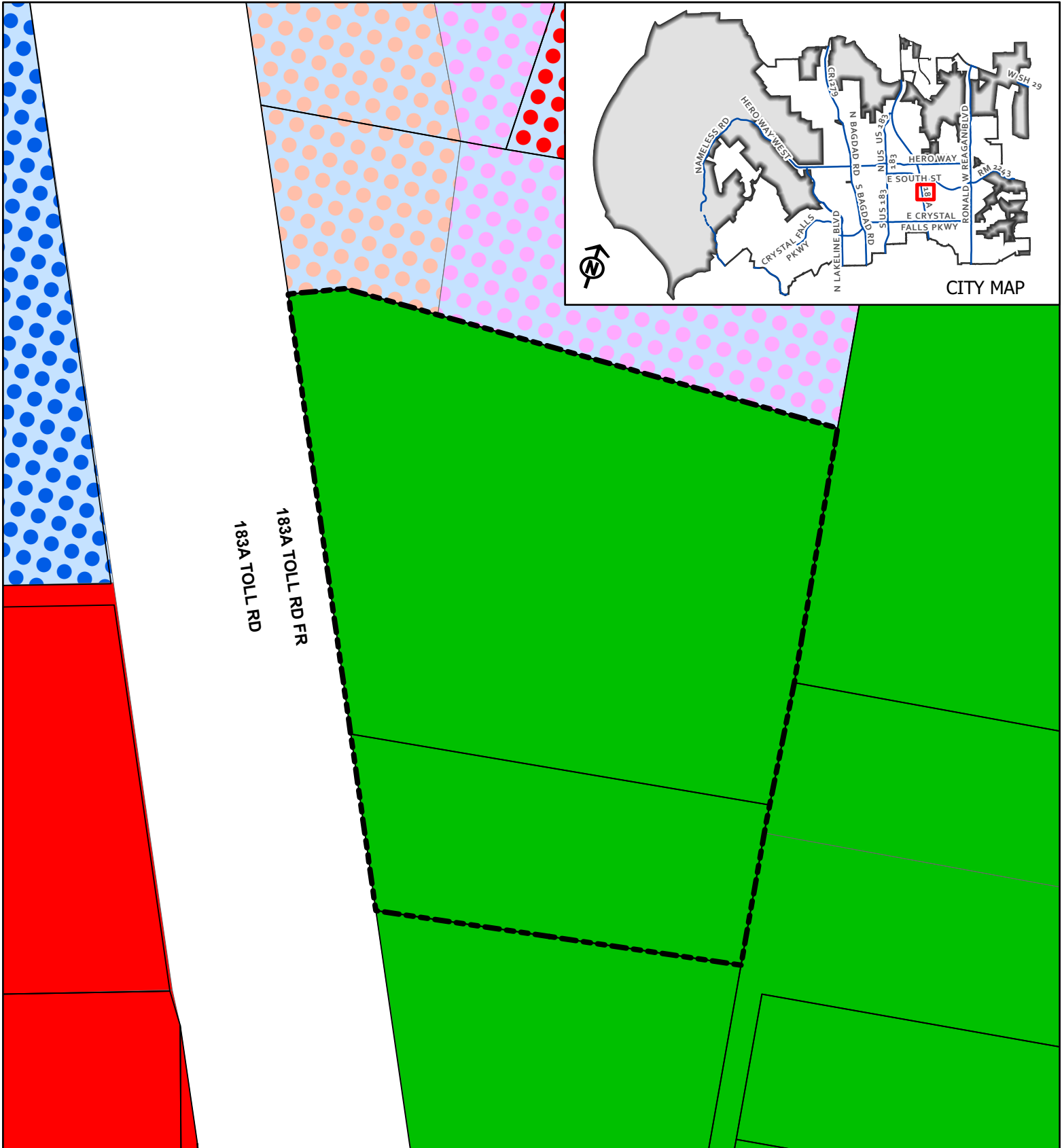
12/30/2021 - Public Notice on Hill Country News
 01/05/2022 - Mail Notification to Property Owners within 200'
 01/05/2022 - Public Hearing Signage Posted on Property
 01/27/2022 - Planning and Zoning Commission Public Hearing
 02/17/2022 - City Council Public Hearing & First Reading of the Ordinance
 03/03/2022 - 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. A full report is included with your packet.

APPROVAL CRITERIA:

The proposed zoning district would allow for commercial uses at this location. This zoning request is consistent with the future land use map category of Priority Multi-Use Corridor along a priority corridor and is compatible with the surrounding land uses.



CASE: 21-Z-041

ATTACHMENT #2

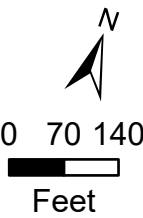
CREEKSIDE COMMONS

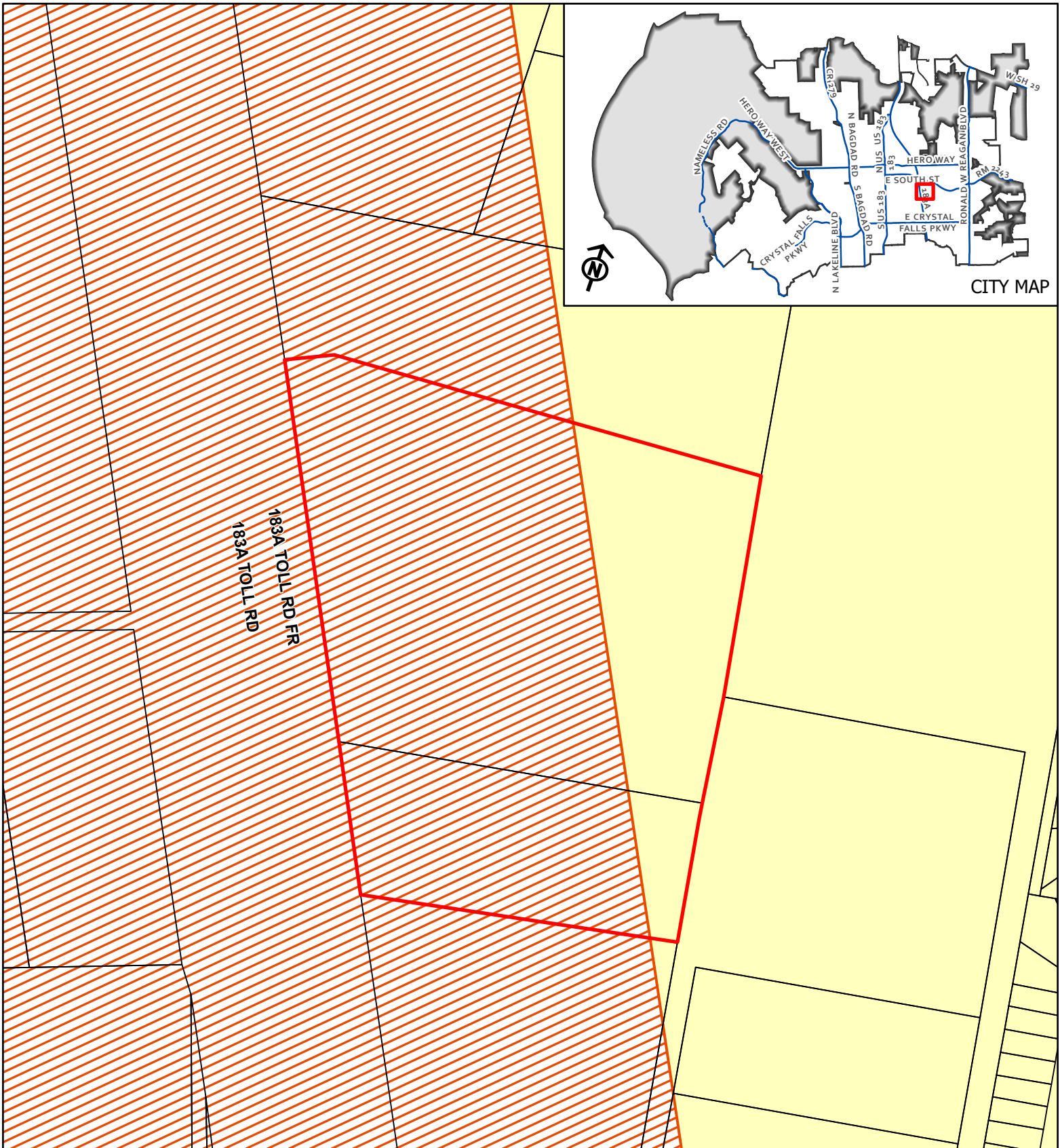
Current Zoning Map

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
- Leander ETJ
- Subject Area
- SFR - Single-Family Rural
- GC - General Commercial

- PUD - Mixed Use
- PUD - Local Office
- PUD - General Commercial
- PUD - Heavy Commercial





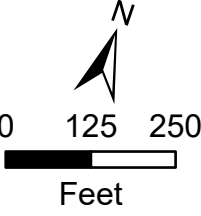
CASE: 21-Z-041

ATTACHMENT #3

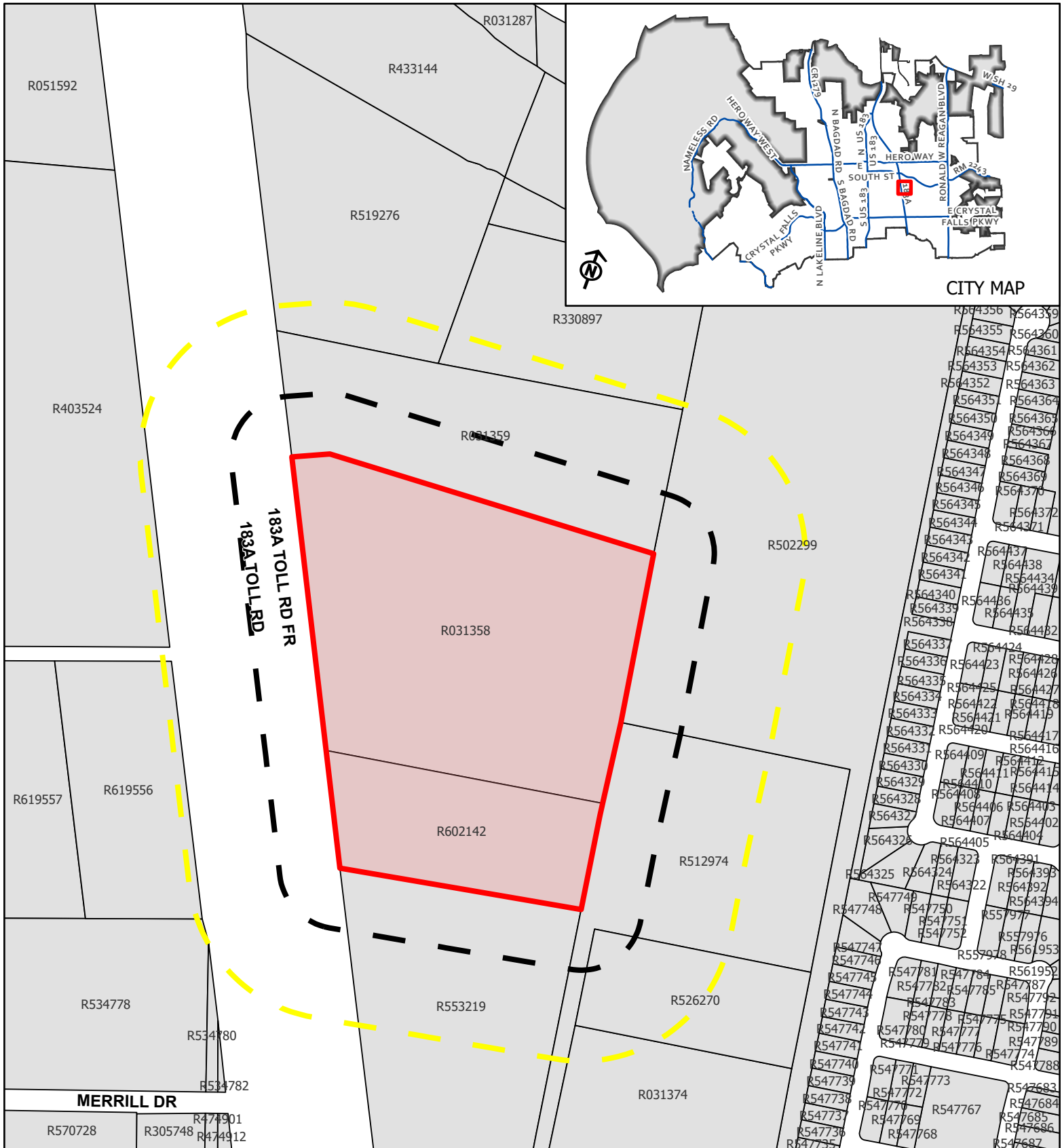
CREEKSIDE COMMONS

Future Land Use 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
- Leander ETJ
- Subject Area
- Greenway
- Multi-Use Corridor - Priority Corridor
- Neighborhood Residential



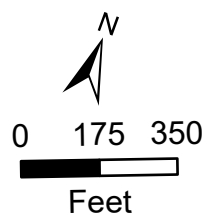
CASE: 21-Z-041

ATTACHMENT #4

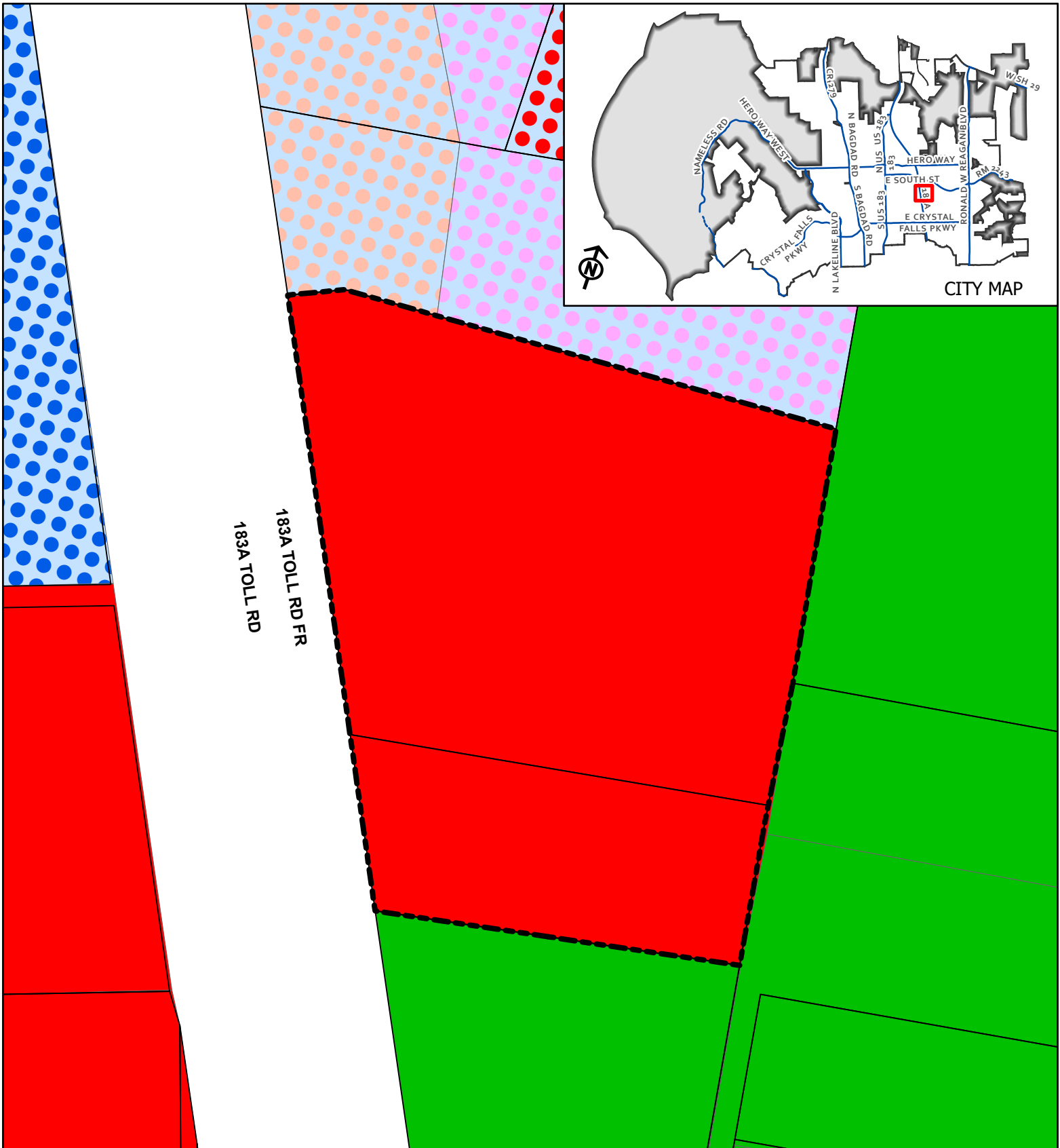
CREEKSIDE COMMONS

Site 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.



- Subject Area
- 200' Buffer
- 500' Buffer
- Leander City Limits
- ETJ



CASE: 21-Z-041

ATTACHMENT #5

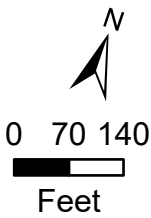
CREEKSIDE COMMONS

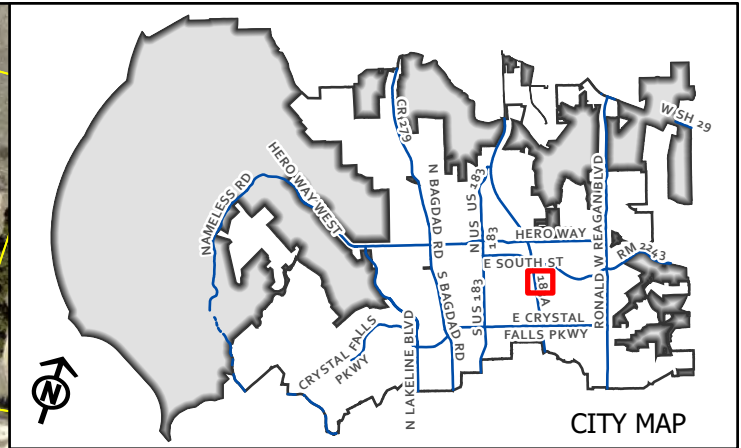
Proposed Zoning Map

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
- Leander ETJ
- Subject Area
- SFR - Single-Family Rural
- GC - General Commercial

- PUD - Mixed Use
- PUD - Local Office
- PUD - General Commercial
- PUD - Heavy Commercial





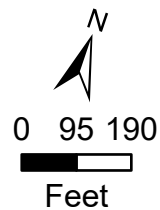
CASE: 21-Z-041

ATTACHMENT #6

CREEKSIDE COMMONS

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
-  Leander ETJ
-  Subject Area



December 16, 2021

City of Leander Planning Department
Pat Bryson Municipal Hall
201 N. Brushy Street
Leander, TX 78641

Re: Creekside Commons Letter of Intent

The 183-A tract is a 22.039 acre tract of land located within the City of Leander located approximately ½ mile south of the intersection of US 183-A and F.M. 2243. It is the Applicant's intent and request to rezone the entire 22.0 acres with a mix of commercial and office. Please see the included Requested Zoning Exhibit for an illustrative depiction of the requested zoning district.

This tract is conveniently located in the northeast portion of the City with convenient access fronting Highway 183-A. Along with strong access from this major roadway, the property is in close proximity to future commercial/mixed use developments, utilizing preferred city zoning per the Future Land Use Map. The requested rezoning request will provide employment, retail and service opportunities of a destination variety with strong vehicular accessibility from 183-A.

Current site conditions are also favorable for the vision of a higher intensity development. The property consists of gently sloping pasture lands with pockets of tree coverage and an existing water body which the applicant intends to preserve to the best of their ability.

Thank you for your consideration of this zoning change request. The Applicant believes this location has the potential to help meet service and employment goals for Leander.

Sincerely,

Gary Jueneman

Gary Jueneman
Sr. Project Manager

APPLICANT'S SUMMARY OF NEIGHBORHOOD COMMUNICATIONS

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.

A letter detailing the Applicant's zoning change intent were mailed to property owners located within 500' of the Subject Tract on November 29, 2021. The letter was from Rahul Kundavaram and included contact for Rahul as well as Uday Vadapalli for response and comments. As the letters were just mailed, no response has been received to date.

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.

No HOA exists within the 500' boundary of the tract. Property owners per WCad were notified directly via the above referenced letter. A list of contacts is included as well as copies of each envelope sent.

3. What concerns were raised during these communications?

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

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

Signature: Gary Jueneman Date December 3, 2021

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING THE ZONING ORDINANCE BY REZONING TWO PARCELS OF LAND FROM INTERIM SFR-1-B (SINGLE-FAMILY RURAL) TO GC-3-C (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 parcels of land being including 22.039 acres $\pm$; being more particularly described in Exhibit "A"; commonly known as 8622 183A Toll Road; identified by Williamson Central Appraisal District tax identification numbers R031358 and R602142; more particularly described in Instrument Numbers 2014086990 and 2020127499 recorded in the Official Public Records of Williamson County, Texas.

SECTION 4. Property Rezoned. The Zoning Ordinance is hereby amended by changing the zoning district for the Property from Interim SFR-1-B (Single-Family Rural) to GC-3-C (General Commercial) as shown in Exhibit "A".

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 17th day of February, 2022.
FINALLY PASSED AND APPROVED on this the 3rd day of March, 2022.

ATTEST:

THE CITY OF LEANDER, TEXAS:

Dara Crabtree, City Secretary

Christine DeLisle, Mayor



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

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

January 27, 2022 at 7:00 PM



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

Place 5 – Gary Hampton, Jr.
Place 6 – Laura Lantrip
Place 7 – Rick Carpenter

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

1. Call to Order at 7:00 pm.
2. Roll Call. Reflected all present.
3. Director's report to the Planning & Zoning Commission on actions taken by the City Council at the January 20, 2022 meeting
4. Review of meeting protocol.
5. Citizen Comments: Three (3) minutes allowed per speaker.
[Please turn in speaker request form before the meeting begins.]

CONSENT AGENDA: ACTION

Motion made by Commissioner Ron May, seconded by Vice Chair Donnie Mahan to approve Consent agenda items 6-9.

AYE: Vice Chair Donnie Mahan, Chair John Cosgrove, Commissioner Ron May,
Commissioner Deirdre Moss, Commissioner Gary Hampton, Jr., Commissioner Laura
Lantrip, Commissioner Rick Carpenter

7 - 0 Passed

6. Approval of Subdivision Case 21-SFP-001 regarding SJ&A River Addition Short Form Final Plat on two parcels of land approximately 9.412 acres ± in size, more particularly described by Williamson Central Appraisal District R549158 and R032202; generally located west of Ronald W. Reagan Blvd. and east of Arapaho Mountain Pass, Leander, Williamson County, Texas.

7. Approval of Subdivision Case 11-SFP-001 regarding Crystal Village Phase One Short Form Final Plat on portions of four parcels of land approximately 17.315 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R432786, R031200, R080605, and R031201; generally located to the southeast of the intersection of E Crystal Falls Pkwy and 183A Toll Road, Leander, Williamson County, Texas.
8. Approval of the Subdivision, Site Development, and Dry Utility Application Forms pursuant to Article IX, Section 9 (a) (1) c. of the Composite Zoning Ordinance; Leander, Williamson & Travis Counties, Texas.
9. Approval of Minutes.

PUBLIC HEARING: ACTION

10. Chair Cosgrove opened a Public Hearing at 7:01 pm and consider action regarding Zoning Case 21-Z-026 to amend the current zoning of SFU/MH-2-B (Single-Family Urban/Manufactured Home) to create the Sky Heights PUD (Planned Unit Development) with a base zoning of SFT-2-B (Single-Family Townhouse) on one parcel of land approximately 2.68 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R036438; legally described as Lot 3, Blk A, Leander Heights Section 2; and more commonly known as 415 Lion Dr, Leander, Williamson County, Texas. No one spoke in favor or opposition of the request. The public hearing closed at 7:07 pm.

- Discuss and consider action regarding Zoning Case 21-Z-026 as described above.

Motion made by Commissioner Laura Lantrip, seconded by Commissioner Deirdre Moss

AYE: Vice Chair Donnie Mahan, Chair John Cosgrove, Commissioner Ron May,
Commissioner Deirdre Moss, Commissioner Gary Hampton, Jr., Commissioner Laura
Lantrip, Commissioner Rick Carpenter

7 - 0 Passed

11. Chair Cosgrove opened a Public Hearing at 7:13 pm and consider action regarding Zoning Case 21-Z-037 to amend the current zoning of LC-2-B (Local Commercial) and SFU/MH-2-B (Single-Family Urban/Manufactured Home) to GC-3-C (General Commercial) and LC-2-A (Local Commercial) on two parcels of land approximately 1.5660 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R035565 and R035563; and addressed as 1007 and 1009 Los Vista Drive, Williamson County, Texas. No one spoke in favor or opposition of the request. The public hearing closed at 7:18 pm.

- Discuss and consider action regarding Zoning Case 21-Z-037 as described above.

Motion made by Vice Chair Donnie Mahan, seconded by Commissioner Laura Lantrip

AYE: Vice Chair Donnie Mahan, Chair John Cosgrove, Commissioner Ron May,
Commissioner Deirdre Moss, Commissioner Gary Hampton, Jr., Commissioner Laura
Lantrip, Commissioner Rick Carpenter

7 - 0 Passed

12. Chair Costrove opened a Public Hearing at 7:23 pm and consider action regarding Zoning Case 21-Z-040 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to LO-2-B (Local Office) on eight parcels of land approximately 27.99 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R031590, R031591, R031592, R031594, R031595, R508113, R508114, and R508115; and addressed as 3250 Hero Way, Leander, Williamson County, Texas. Denise Lewis, 3336 Hero Way Leander, TX 78641 was opposed to this item. Charles Hoskins, 3350 Hero Way Leander, TX 78641 was opposed to this item. The public hearing closed at 7:29 pm.

- Discuss and consider action regarding Zoning Case 21-Z-040 as described above.

Motion made by Commissioner Gary Hampton, Jr., seconded by Vice Chair Donnie Mahan

AYE: Vice Chair Donnie Mahan, Chair John Cosgrove, Commissioner Ron May,
Commissioner Deirdre Moss, Commissioner Gary Hampton, Jr., Commissioner Laura
Lantrip, Commissioner Rick Carpenter

7 - 0 Passed

13. Chair Cosgrove opened a Public Hearing at 7:37 pm and consider action regarding Zoning Case 21-Z-041 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to GC-3-C (General Commercial) on two parcels of land approximately 22.039 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R031358 and R602142; and addressed as 8622 183A Toll Road, Leander, Williamson County, Texas. No one spoke in favor or opposition of the request. The public hearing closed at 7:42 pm.

- Discuss and consider action regarding Zoning Case 21-Z-041 as described above.

Motion made by Commissioner Ron May, seconded by Commissioner Laura Lantrip

AYE: Vice Chair Donnie Mahan, Chair John Cosgrove, Commissioner Ron May,
Commissioner Deirdre Moss, Commissioner Gary Hampton, Jr., Commissioner Laura
Lantrip, Commissioner Rick Carpenter

7 - 0 Passed

14. Chair Cosgrove opened a Public Hearing at 7:45 pm and consider action regarding Zoning Case 21-Z-043 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to GC-2-B (General Commercial) on five parcels of land approximately 33.911 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R555235, R555246, R031297, R555247, R031279; and addressed as 2957, 3345, 3549, & 3919 Hero Way, Leander, Williamson County, Texas. Charles Hoskins, 3350 Hero Way Leander, TX 78641 was opposed to this item. The public hearing closed at 7:51 pm.

- Discuss and consider action regarding Zoning Case 21-Z-043 as described above.

Motion made by Vice Chair Donnie Mahan, seconded by Commissioner Ron May

AYE: Vice Chair Donnie Mahan, Chair John Cosgrove, Commissioner Ron May,
Commissioner Deirdre Moss, Commissioner Gary Hampton, Jr., Commissioner Laura
Lantrip, Commissioner Rick Carpenter

7 - 0 Passed

15. Chair Cosgrove opened a Public Hearing at 7:54 pm and consider action regarding Zoning Case 21-Z-045 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to HC-4-D (Heavy Commercial) on three parcels of land approximately 12.819 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R555216, R319481 and R031282; and addressed as 2871 Hero Way, Leander, Williamson County, Texas. Chalres Hosking, 3350 Hero Way Leander, TX 78641 was opposed to this item. The public hearing closed at 7:58 pm.
- Discuss and consider action regarding Zoning Case 21-Z-045 as described above.

Motion made by Commissioner Rick Carpenter, seconded by Commissioner Deirdre Moss

AYE: Vice Chair Donnie Mahan, Chair John Cosgrove, Commissioner Ron May,
Commissioner Deirdre Moss, Commissioner Gary Hampton, Jr., Commissioner Laura
Lantrip, Commissioner Rick Carpenter

7 - 0 Passed

REGULAR AGENDA

16. Received a presentation from Kimley-Horn & Associates (KHA) regarding the draft land use assumptions and capital improvements plan for the 2022 Roadway Impact Fee Study.
17. Adjournment at 8:47 pm.

APPROVED:

CHAIRMAN COSGROVE

ATTEST:

ELLEN COUFAL
PLANNING & ZONING COMMISSION SECRETARY



EXECUTIVE SUMMARY
03/03/2022

AGENDA SUBJECT:

Approval of the Second Reading of an Ordinance regarding Zoning Case 21-Z-043 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to GC-2-B (General Commercial) on five (5) parcels of land approximately 33.911 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R555235, R555246, R031297, R555247, R031279; and addressed as 2957, 3345, 3549, & 3919 Hero Way, Leander, Williamson County, Texas.

BACKGROUND:

This request is the final step in the zoning process. The Planning & Zoning Commission unanimously recommended approval of the request during the January 27, 2022 meeting.

HISTORY/TIMELINE:

09/03/2020 - Denied Zoning Case 19-Z-023 District 2243 PUD

10/21/2021 - These parcels were previously included in Zoning Case 21-Z-027 and removed for the 2nd City Council meeting.

01/27/2022 - Planning & Zoning Commission, 1st Public Hearing

02/17/2022 - City Council, 2nd Public Hearing & 1st Reading of the Ordinance

APPLICANT/AGENT:

Bleyl Engineers (Steve Ihnen) on behalf of Vivek Mahendru, MD and Lisa Mahendru

RECOMMENDATION:

The City Council unanimously approved this request during the February 17, 2022 meeting.

PRESENTER:

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

Attachments

1. Planning Analysis
2. Current Zoning
3. Future Land Use Map
4. Public Notice Map
5. Proposed Zoning Map
6. Aerial Map
7. Letter of Intent
8. Neighborhood Outreach
9. Ordinance
10. P&Z Minutes



PLANNING ANALYSIS

ZONING CASE 21-Z-043 M RANCH #2

GENERAL INFORMATION

Owner/Agent: Bleyl Engineering (Steve Ihnen) on behalf of Vivek Mahendru, MD and Lisa K Mahendru.

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

Proposed Zoning: GC-2-B (General Commercial)

Size and Location: The property is located at 2957, 3345, 3549, & 3919 Hero Way, including approximately 33.911 acres.

Staff Contact: Michael Chenausky AICP,
Planner

APPLICANT REQUEST

The applicant has submitted a request to change the designated zoning district of their property in order to develop approximately 33.911 acres of commercial along the frontage of Hero Way.

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 5*
- ☐ ☒ Does the proposal warrant any other special considerations?

SITE INFORMATION:

ABUTTING ZONING AND LAND USE:

	ZONING	LAND USE
NORTH	Interim SFR-1-B, GC-3-C	Large lot residential and gas station c-store
EAST	Interim SFS-2-B, Interim SFR-1-B	Large lot residential and undeveloped.
SOUTH	Interim SFR-1-B, GC- 2-B	Undeveloped large lot residential and commercial.
WEST	Interim SFR-1-B,	Large lot residential, existing commercial and undeveloped land.

SURROUNDING AREA:

The subject area is located at the south west corner of Hero Way and Ronald W. Reagan Blvd. The majority of the surrounding area includes interim zoning with large lot residential uses and undeveloped land.

The properties to the west are located within the Employment Center of the Future Land Use Map, which allows commercial development ranging from small scale Local Office to Heavy Commercial zoning districts.

Properties to the east are majority located in the Activity Center, which allows some residential and majority commercial development with the exception of Heavy Commercial. Properties to the north and south include both Employment Center and Activity Center.

PHYSICAL AND NATURAL FEATURES:

The subject area contains un-platted parcels which will need to be platted as the area develops. The subject area contains significant tree cover and will be subject to the City's tree preservation and mitigation requirements.

PROPERTY HISTORY:

The parcels R031279 at the southwest corner of Hero Way and Ronald W. Reagan Blvd. was annexed 3/23/2005 with the remaining parcels annexed 1/20/2016.

PREVIOUS ZONING CASES:

The following zone cases were previously submitted for this property:

- 19-Z-023 requested a zone change from Interim SFR-1-B (Single-Family Rural) to PUD (Planned Unit Development) with the following base zoning districts: SFE-2-A (Single-Family Estate), TF-2-A (Two-Family), CH-2-A (Cottage Housing), NR-2-A (Neighborhood Residential), MF-2-A (Multi-Family), and GC-3-B (General Commercial) and was denied on 09/03/2020.
- 21-Z-027 requested a zone change from Interim SFR-1-B (Single-Family Rural) to GC-2-B (General Commercial) and SFT-2-B (Single-Family Townhouse). The zoning request was later altered to remove the residential component along with parcels associated with this application.

MAJOR CORRIDORS:

The parcels have access onto Hero Way and Ronald W. Reagan Blvd.

TRANSPORTATION PLAN REQUIREMENTS:

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
Hero Way	Arterial	Employment Center Corridor	400' ROW 10' sidewalk
Ronald W. Reagan Blvd.	Arterial	Priority Multi-Use Corridor	400' ROW 10' sidewalk

SUBDIVISIONS:

The following subdivision cases were previously submitted for this property:

- No prior subdivision cases.

EXISTING UTILITIES:

The water and wastewater lines will need to be extended to the perimeter of the subject area as each parcel develops.

CURRENT LAND USES:

This property is currently being used as large lot residential and undeveloped land.

PROPOSED ZONING DISTRICT:**USE COMPONENT****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.

ARCHITECTURAL COMPONENT**TYPE B:**

Features: 4 or more architectural features.

Intent:

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

COMPREHENSIVE PLAN:**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**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

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: 80-100% Non-Residential, 0-20% 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 11/08/2021. The following changes were made to the project since the development meeting was held:

- The development meeting included 14 separate parcels, this request includes 5 parcels.

The following ordinance changes occurred following the development meeting which may have impacted this project.

- No ordinance changes have occurred.

NOTIFICATION

12/30/2021 - Public Notice on Hill Country News

01/05/2022 - Mail Notification to Property Owners within 200'

01/05/2022 - Public Hearing Signage Posted on Property

01/27/2022 - Planning and Zoning Commission Public Hearing

02/17/2022 - City Council Public Hearing & First Reading of the Ordinance

03/03/2022 - 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.

See Attachment 8, the applicant reached out to approximately 16 surrounding property owners.

- No concerns noted.

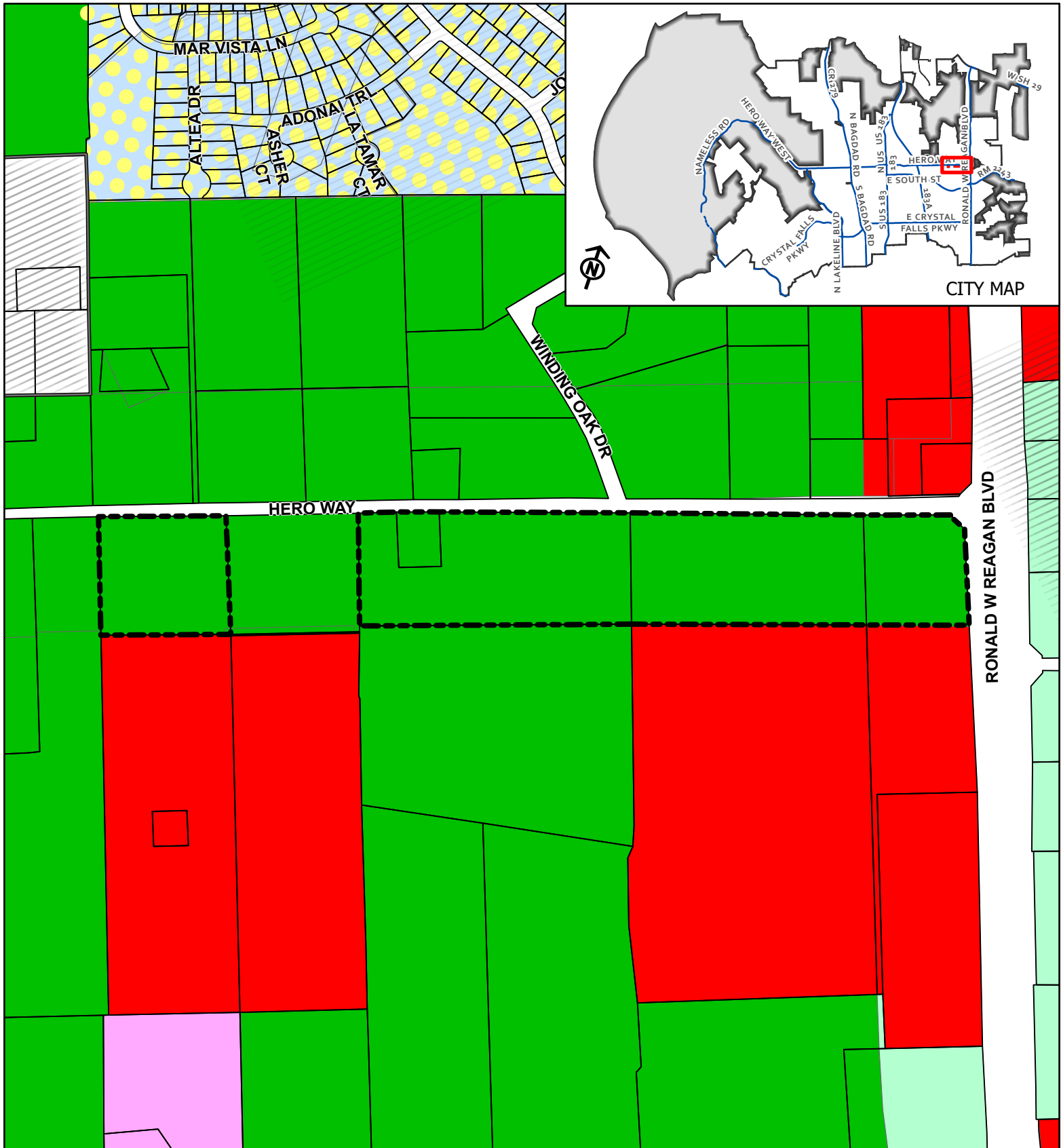
The following changes were made to address issues discussed.

- No changes noted.

Please see the full report from the applicant attached.

APPROVAL CRITERIA:

The subject area is currently made up of interim zoning districts which were applied at the time of annexation. The Future Land Use map designates this area as Employment Center and Activity Center. Activity Centers are meant to be community destinations that include activities, amenities, shopping, restaurants, and places to live, work and play.



CASE: 21-Z-043

ATTACHMENT #2

M RANCH #2

Current Zoning 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

Leander ETJ

Subject Area

SFR - Single-Family Rural

SFS - Single-Family Suburban

LC - Local Commercial

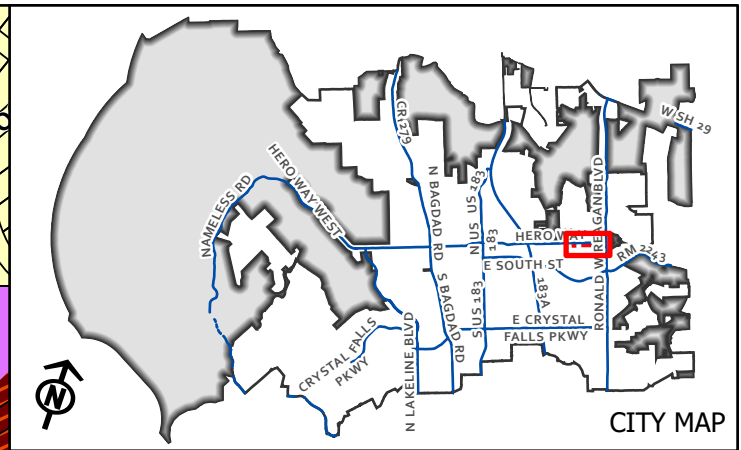
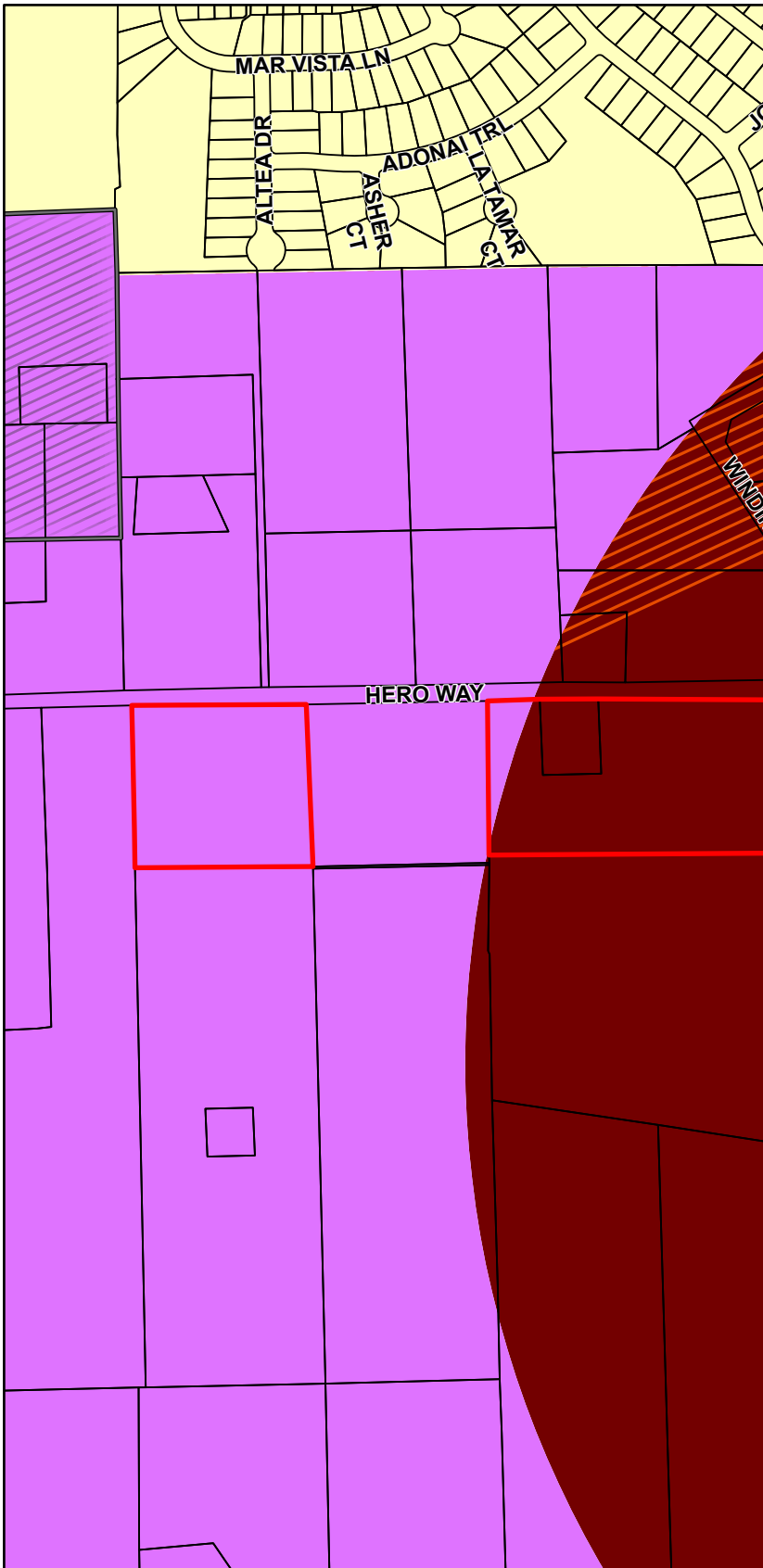
GC - General Commercial

HC - Heavy Commercial

PUD - Single-Family

PUD - Mixed Use

0 162.525
Feet



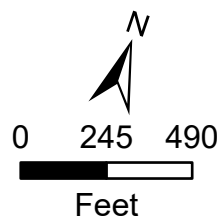
CASE: 21-Z-043

ATTACHMENT #3

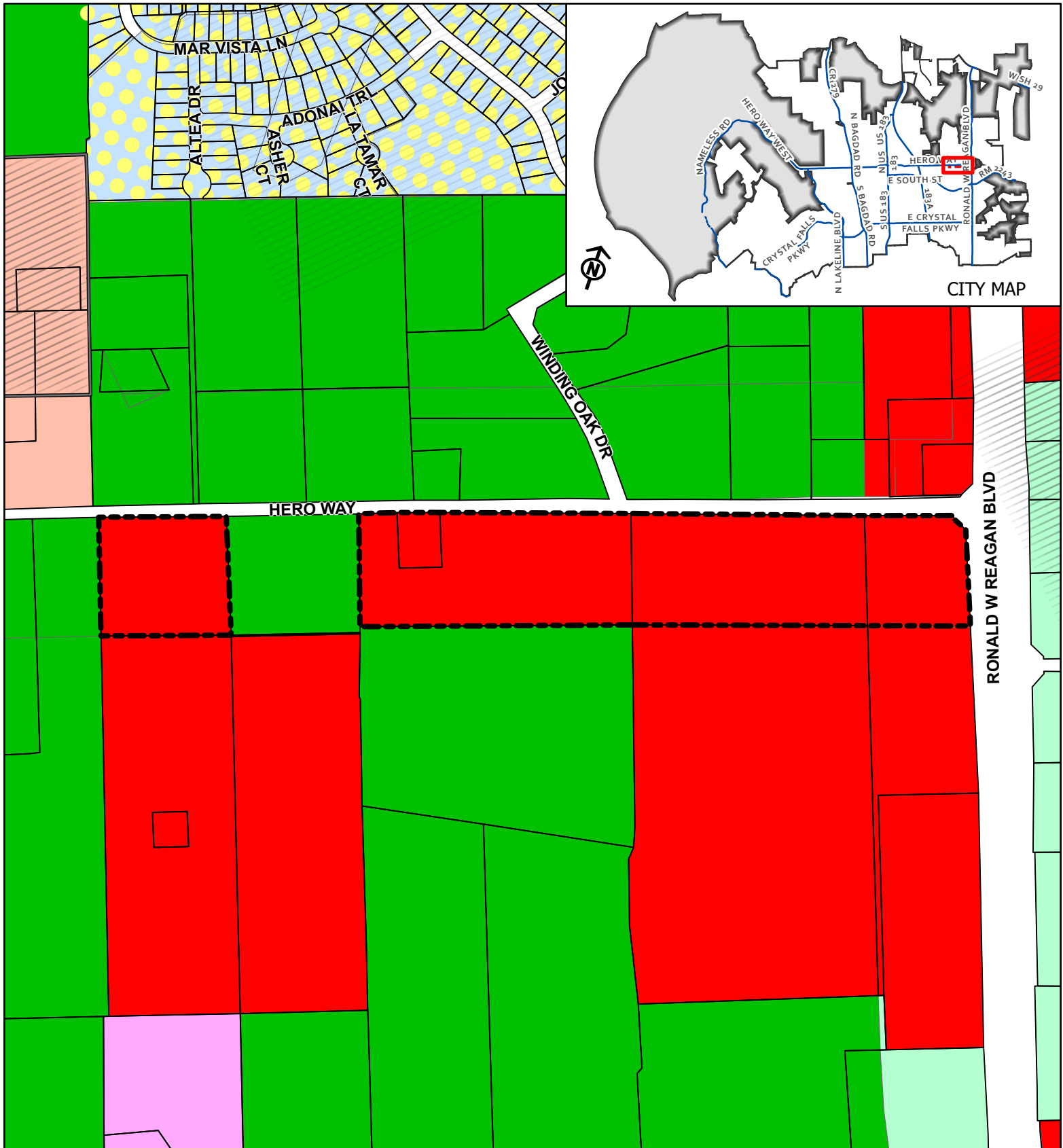
M RANCH #2

Future Land Use 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
- Leander ETJ
- Subject Area
- Activity Center
- Employment Center
- Multi-Use Corridor - Priority Corridor
- Neighborhood Residential



CASE: 21-Z-043

ATTACHMENT #5

M RANCH #2

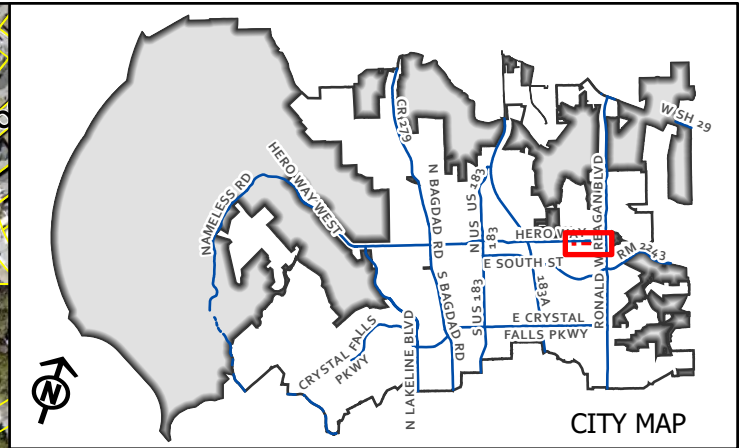
Proposed Zoning Map

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
- Leander ETJ
- Subject Area
- SFR - Single-Family Rural
- SFS - Single-Family Suburban
- LO - Local Office

- LC - Local Commercial
- GC - General Commercial
- HC - Heavy Commercial
- PUD - Single-Family
- PUD - Mixed Use





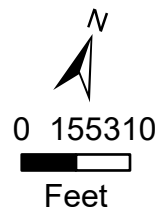
CASE: 21-Z-043

ATTACHMENT #6

M RANCH #2

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
-  Leander ETJ
-  Subject Area



December 3, 2021

City of Leander
P.O. Box 319
Leander, TX 78646

RE: M Ranch Zoning Application GC-2-B along Hero Way
Letter of Intent

Please find the attached application for the proposed M Ranch Zoning of 33.911 acres of land at the southwest corner of Ronald Regan Blvd and Hero Way. The site is surrounded by single family and general commercial to the North, single family to the West, heavy commercial and single family to the South and single family to the East. The site is situated parallel to Hero Way and is slightly woody with scattered trees and mostly flat with gradual slopes. Included with this submittal is a survey exhibit with metes and bounds information for these parcels.

We are proposing GC-2-B for parcels R555235, R555246, R031297, R555247 and portion of R031279. At this time we are requesting a straight zoning request.

Please feel free to reach out if any additional information is needed. Your consideration is appreciated.

Thank you!

Steve Ihnen, P.E.
Project Engineer



12/10/2021

APPLICANT'S SUMMARY OF NEIGHBORHOOD COMMUNICATIONS

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.

Mailing labels and a list of neighbors within 200' has been provided to the City. Remaining neighbors within the 500' were sent notification of zoning application via certified mail. Certified mail was sent for parcel #'s R086402, R334857, R334853/R473778, R032144, R032146, R473771/R444182 and R098028. In addition, Dr. Vivek Mahendru reached out to neighbors via phone and email. See attached notification that was mailed out.

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.

Mailing labels and a list of neighbors within 200' has been provided to the City. Remaining neighbors within the 500' were sent notification of zoning application via certified mail. Certified mail was sent for parcel #'s R086402, R334857, R334853/R473778, R032144, R032146, R473771/R444182 and R098028. In addition, Dr. Vivek Mahendru reached out to neighbors via phone and email. See attached notification that was mailed out.

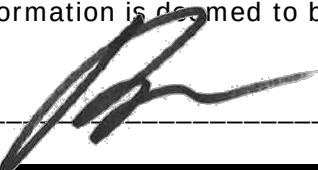
3. What concerns were raised during these communications?

Neighbors are supporting the proposed zoning.

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

No conditions or concerns were added to the zoning request.

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

Signature:  Date 12-15-2021

Notice of Zoning Application

PROJECT NAME: M Ranch #2

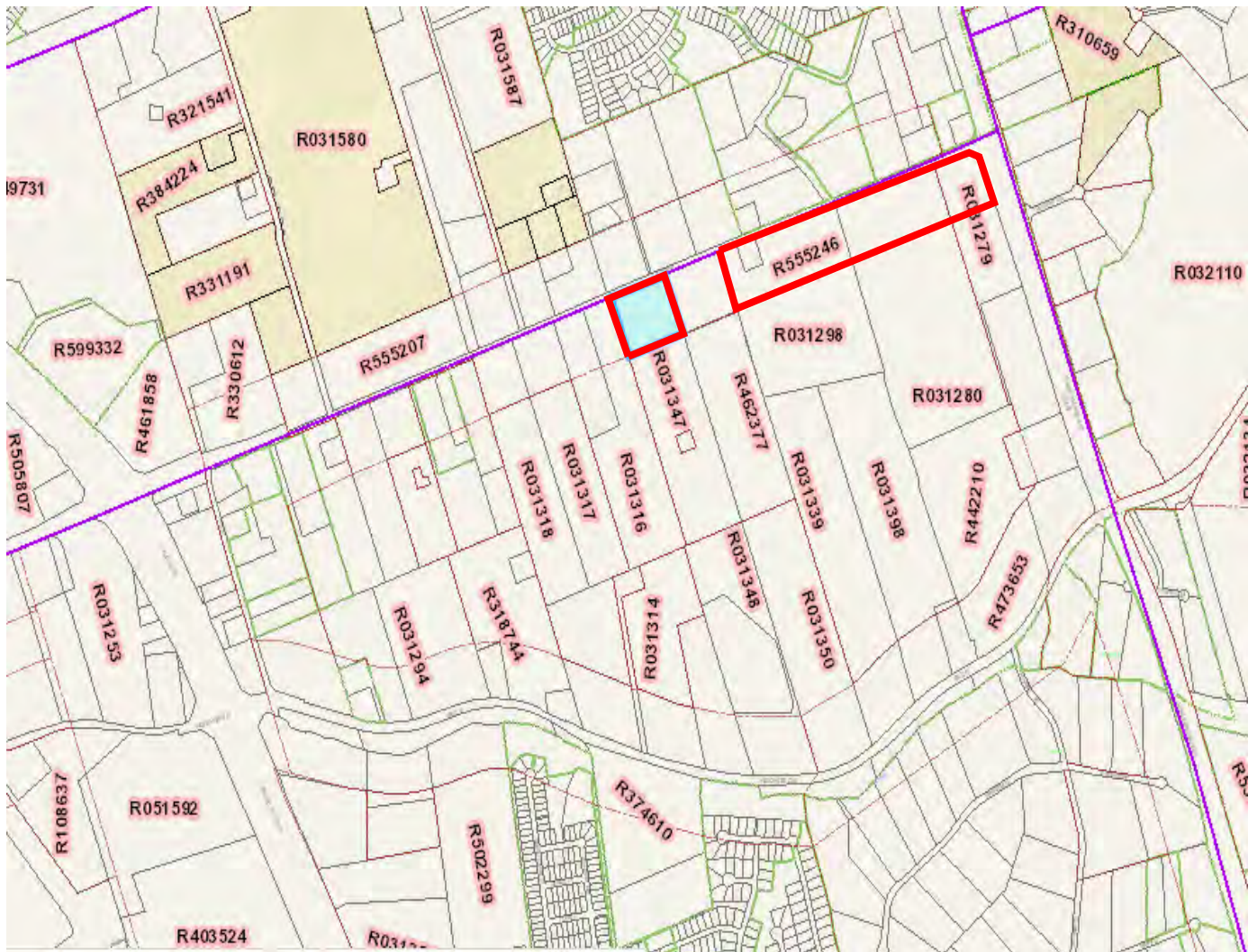
APPLICANT: Vivek Mahendru, MD and Lisa K Mahendru

APPLICANT AGENT: Bleyl Engineering – Steve Ihnen, P.E.
12007 Technology Blvd, Ste. 150, Austin, TX 78727
512-454-2400

SITE ADDRESS: 3345, 3549, 3919, 3957 Hero Way, Leander, Williamson County, Texas

DESCRIPTION: To amend the current zoning of Interim SFR-1-B (Single-Family Rural) to GC-2-B (General Commercial) on approximately 33.911 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R555235, R555246, R031297, R555247, R031279; and more commonly known as 3345, 3549, 3919, 3957 Hero Way, Leander, Williamson County, Texas. Applicant/Agent: Bleyl Engineering (Steve Ihnen) on behalf of Vivek Mahendru, MD and Lisa K Mahendru." SEE ATTACHED MAP.

If you have any questions or would like to schedule a meeting to discuss this project please feel free to reach out to Steve Ihnen with Bleyl Engineering at 512-454-2400.



7021 0350 0002 0964 9114

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Austin, TX 78759

Certified Mail Fee \$3.75

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$0.00

☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

0640
05Postmark
Here

Postage \$0.58

Total Postage and Fees \$4.33

12/14/2021

Sent To

Heroway Crossing LLC

Street and Apt. No., or PO Box No.

1542 Fire Oaks Dr.

City, State, ZIP+4® Austin, TX 78759

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7020 1810 0000 8186 9779

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Woodway, TX 76712

Certified Mail Fee \$3.75

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$0.00

☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

0640
05Postmark
Here

Postage \$0.58

Total Postage and Fees \$4.33

12/14/2021

Sent To

Moore, Jimmy & Elsa

Street and Apt. No., or PO Box No.

2409 Mesa Verde Circle

City, State, ZIP+4® Waco, TX 76712-6480

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7020 1810 0000 8186 9762

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Round Rock, TX 78681

Certified Mail Fee \$3.75

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$0.00

☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

0640
05Postmark
Here

Postage \$0.58

Total Postage and Fees \$4.33

12/14/2021

Sent To

JGHTDH #1 LLC

Street and Apt. No., or PO Box No.

595 Round Rock W. Dr. # 701

City, State, ZIP+4® Round Rock, TX 78681

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7020 1810 0000 8186 9755

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Leander, TX 78641

Certified Mail Fee \$3.75

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$0.00

☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

0640
05Postmark
Here

Postage \$0.58

Total Postage and Fees \$4.33

12/14/2021

Sent To

Price, David Lee & Joana

Street and Apt. No., or PO Box No.

3556 Heroway

City, State, ZIP+4® Leander, TX 78641-1691

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7021 0350 0002 0984 9107

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Dallas, TX 75225

Certified Mail Fee \$3.75
 Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.58

Total Postage and Fees \$4.33

0640
05

Postmark
Here

12/14/2021

Sent To *United Bear Creek Storage LP*
 Street and Apt. No., or PO Box No. *8333 Douglas Ave Ste 1000*
 City, State, ZIP+4® *Dallas, TX 75225-5882*

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7020 1810 0000 8186 9748

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Leander, TX 78641

Certified Mail Fee \$3.75
 Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.58

Total Postage and Fees \$4.33

0640
05

Postmark
Here

12/14/2021

Sent To *Albrecht, Williams & Parade*
 Street and Apt. No., or PO Box No. *17640 Ronald W. Reagan Blvd*
 City, State, ZIP+4® *Leander, TX 78641*

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7021 0350 0002 0984 9091

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Austin, TX 78726

Certified Mail Fee \$3.75
 Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.58

Total Postage and Fees \$4.33

0640
05

Postmark
Here

12/14/2021

Sent To *Sairam Ventures LLC*
 Street and Apt. No., or PO Box No. *1117 Conchas Cv*
 City, State, ZIP+4® *Austin, TX 78726*

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING THE ZONING ORDINANCE BY REZONING FIVE PARCELS OF LAND FROM INTERIM SFR-1-B (SINGLE-FAMILY RURAL) TO GC-2-B (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 parcels of land being including 33.911 acres ±; being more particularly described in Exhibit "A"; commonly known as 2957, 3345, 3549, & 3919 Hero Way; identified by Williamson Central Appraisal District tax identification numbers R555235, R555246, R031297, R555247, and R031279; more particularly described in Instrument Numbers 2004077519 and 2003078335 recorded in the Official Public Records of Williamson County, Texas.

SECTION 4. Property Rezoned. The Zoning Ordinance is hereby amended by changing the zoning district for the Property from Interim SFR-1-B (Single-Family Rural) to GC-2-B (General Commercial) as shown in Exhibit "A".

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 17th day of February, 2022.
FINALLY PASSED AND APPROVED on this the 3rd day of March, 2022.

ATTEST:

THE CITY OF LEANDER, TEXAS:

Dara Crabtree, City Secretary

Christine DeLisle, Mayor



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

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

January 27, 2022 at 7:00 PM



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

Place 5 – Gary Hampton, Jr.
Place 6 – Laura Lantrip
Place 7 – Rick Carpenter

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

1. Call to Order at 7:00 pm.
2. Roll Call. Reflected all present.
3. Director's report to the Planning & Zoning Commission on actions taken by the City Council at the January 20, 2022 meeting
4. Review of meeting protocol.
5. Citizen Comments: Three (3) minutes allowed per speaker.
[Please turn in speaker request form before the meeting begins.]

CONSENT AGENDA: ACTION

Motion made by Commissioner Ron May, seconded by Vice Chair Donnie Mahan to approve Consent agenda items 6-9.

AYE: Vice Chair Donnie Mahan, Chair John Cosgrove, Commissioner Ron May,
Commissioner Deirdre Moss, Commissioner Gary Hampton, Jr., Commissioner Laura
Lantrip, Commissioner Rick Carpenter

7 - 0 Passed

6. Approval of Subdivision Case 21-SFP-001 regarding SJ&A River Addition Short Form Final Plat on two parcels of land approximately 9.412 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District R549158 and R032202; generally located west of Ronald W. Reagan Blvd. and east of Arapaho Mountain Pass, Leander, Williamson County, Texas.

7. Approval of Subdivision Case 11-SFP-001 regarding Crystal Village Phase One Short Form Final Plat on portions of four parcels of land approximately 17.315 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R432786, R031200, R080605, and R031201; generally located to the southeast of the intersection of E Crystal Falls Pkwy and 183A Toll Road, Leander, Williamson County, Texas.
8. Approval of the Subdivision, Site Development, and Dry Utility Application Forms pursuant to Article IX, Section 9 (a) (1) c. of the Composite Zoning Ordinance; Leander, Williamson & Travis Counties, Texas.
9. Approval of Minutes.

PUBLIC HEARING: ACTION

10. Chair Cosgrove opened a Public Hearing at 7:01 pm and consider action regarding Zoning Case 21-Z-026 to amend the current zoning of SFU/MH-2-B (Single-Family Urban/Manufactured Home) to create the Sky Heights PUD (Planned Unit Development) with a base zoning of SFT-2-B (Single-Family Townhouse) on one parcel of land approximately 2.68 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R036438; legally described as Lot 3, Blk A, Leander Heights Section 2; and more commonly known as 415 Lion Dr, Leander, Williamson County, Texas. No one spoke in favor or opposition of the request. The public hearing closed at 7:07 pm.

- Discuss and consider action regarding Zoning Case 21-Z-026 as described above.

Motion made by Commissioner Laura Lantrip, seconded by Commissioner Deirdre Moss

AYE: Vice Chair Donnie Mahan, Chair John Cosgrove, Commissioner Ron May,
Commissioner Deirdre Moss, Commissioner Gary Hampton, Jr., Commissioner Laura
Lantrip, Commissioner Rick Carpenter

7 - 0 Passed

11. Chair Cosgrove opened a Public Hearing at 7:13 pm and consider action regarding Zoning Case 21-Z-037 to amend the current zoning of LC-2-B (Local Commercial) and SFU/MH-2-B (Single-Family Urban/Manufactured Home) to GC-3-C (General Commercial) and LC-2-A (Local Commercial) on two parcels of land approximately 1.5660 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R035565 and R035563; and addressed as 1007 and 1009 Los Vista Drive, Williamson County, Texas. No one spoke in favor or opposition of the request. The public hearing closed at 7:18 pm.

- Discuss and consider action regarding Zoning Case 21-Z-037 as described above.

Motion made by Vice Chair Donnie Mahan, seconded by Commissioner Laura Lantrip

AYE: Vice Chair Donnie Mahan, Chair John Cosgrove, Commissioner Ron May,
Commissioner Deirdre Moss, Commissioner Gary Hampton, Jr., Commissioner Laura
Lantrip, Commissioner Rick Carpenter

7 - 0 Passed

12. Chair Costrove opened a Public Hearing at 7:23 pm and consider action regarding Zoning Case 21-Z-040 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to LO-2-B (Local Office) on eight parcels of land approximately 27.99 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R031590, R031591, R031592, R031594, R031595, R508113, R508114, and R508115; and addressed as 3250 Hero Way, Leander, Williamson County, Texas. Denise Lewis, 3336 Hero Way Leander, TX 78641 was opposed to this item. Charles Hoskins, 3350 Hero Way Leander, TX 78641 was opposed to this item. The public hearing closed at 7:29 pm.

- Discuss and consider action regarding Zoning Case 21-Z-040 as described above.

Motion made by Commissioner Gary Hampton, Jr., seconded by Vice Chair Donnie Mahan

AYE: Vice Chair Donnie Mahan, Chair John Cosgrove, Commissioner Ron May,
Commissioner Deirdre Moss, Commissioner Gary Hampton, Jr., Commissioner Laura
Lantrip, Commissioner Rick Carpenter

7 - 0 Passed

13. Chair Cosgrove opened a Public Hearing at 7:37 pm and consider action regarding Zoning Case 21-Z-041 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to GC-3-C (General Commercial) on two parcels of land approximately 22.039 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R031358 and R602142; and addressed as 8622 183A Toll Road, Leander, Williamson County, Texas. No one spoke in favor or opposition of the request. The public hearing closed at 7:42 pm.

- Discuss and consider action regarding Zoning Case 21-Z-041 as described above.

Motion made by Commissioner Ron May, seconded by Commissioner Laura Lantrip

AYE: Vice Chair Donnie Mahan, Chair John Cosgrove, Commissioner Ron May,
Commissioner Deirdre Moss, Commissioner Gary Hampton, Jr., Commissioner Laura
Lantrip, Commissioner Rick Carpenter

7 - 0 Passed

14. Chair Cosgrove opened a Public Hearing at 7:45 pm and consider action regarding Zoning Case 21-Z-043 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to GC-2-B (General Commercial) on five parcels of land approximately 33.911 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R555235, R555246, R031297, R555247, R031279; and addressed as 2957, 3345, 3549, & 3919 Hero Way, Leander, Williamson County, Texas. Charles Hoskins, 3350 Hero Way Leander, TX 78641 was opposed to this item. The public hearing closed at 7:51 pm.

- Discuss and consider action regarding Zoning Case 21-Z-043 as described above.

Motion made by Vice Chair Donnie Mahan, seconded by Commissioner Ron May

AYE: Vice Chair Donnie Mahan, Chair John Cosgrove, Commissioner Ron May,
Commissioner Deirdre Moss, Commissioner Gary Hampton, Jr., Commissioner Laura
Lantrip, Commissioner Rick Carpenter

7 - 0 Passed

15. Chair Cosgrove opened a Public Hearing at 7:54 pm and consider action regarding Zoning Case 21-Z-045 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to HC-4-D (Heavy Commercial) on three parcels of land approximately 12.819 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R555216, R319481 and R031282; and addressed as 2871 Hero Way, Leander, Williamson County, Texas. Chalres Hosking, 3350 Hero Way Leander, TX 78641 was opposed to this item. The public hearing closed at 7:58 pm.
- Discuss and consider action regarding Zoning Case 21-Z-045 as described above.

Motion made by Commissioner Rick Carpenter, seconded by Commissioner Deirdre Moss

AYE: Vice Chair Donnie Mahan, Chair John Cosgrove, Commissioner Ron May,
Commissioner Deirdre Moss, Commissioner Gary Hampton, Jr., Commissioner Laura
Lantrip, Commissioner Rick Carpenter

7 - 0 Passed

REGULAR AGENDA

16. Received a presentation from Kimley-Horn & Associates (KHA) regarding the draft land use assumptions and capital improvements plan for the 2022 Roadway Impact Fee Study.
17. Adjournment at 8:47 pm.

APPROVED:

CHAIRMAN COSGROVE

ATTEST:

ELLEN COUFAL
PLANNING & ZONING COMMISSION SECRETARY



EXECUTIVE SUMMARY
03/03/2022

AGENDA SUBJECT:

Approval of the Second Reading of an Ordinance regarding Zoning Case 21-Z-045 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to HC-4-D (Heavy Commercial) on three (3) parcels of land approximately 12.819 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R555216, R319481 and R031282; and addressed as 2871 Hero Way, Leander, Williamson County, Texas.

BACKGROUND:

This request is the final step in the zoning process. The Planning & Zoning Commission unanimously recommended approval of the request during the January 27, 2022 meeting.

HISTORY/TIMELINE:

01/27/2022 - Planning & Zoning Commission, 1st Public Hearing

02/17/2022 - City Council, 2nd Public Hearing & 1st Reading of the Ordinance

APPLICANT/AGENT:

Bleyl Engineers (Steve Ihnen) on behalf of Vivek Mahendru, MD and Lisa Mahendru

RECOMMENDATION:

The City Council unanimously approved this request during the February 17, 2022 meeting.

PRESENTER:

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

Attachments

1. Planning Analysis
2. Current Zoning
3. Future Land Use Map
4. Public Notice Map
5. Proposed Zoning Map
6. Aerial Map
7. Letter of Intent
8. Neighborhood Outreach
9. Ordinance
10. P&Z Minutes



PLANNING ANALYSIS

ZONING CASE 21-Z-045
M RANCH #4

GENERAL INFORMATION

Owner/Agent: Bleyl Engineers (Steve Ihnen) on behalf of Vivek Mahendru, MD and Lisa Mahendru.

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

Proposed Zoning: HC-4-D (Heavy Commercial)

Size and Location: The property is located at 2871 Hero Way, including approximately 12.819 acres.

Staff Contact: Michael Chenausky
Planner

APPLICANT REQUEST

The applicant has submitted a request to change the designated zoning district of their property in order to develop the property as Heavy 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 4*
- ☐ ☒ Does the proposal warrant any other special considerations? *see below*

SITE INFORMATION:

ABUTTING ZONING AND LAND USE:

	ZONING	LAND USE
NORTH	Interim SFR-1-B	Large lot residential
EAST	HI-5-D, Interim SFR-1-B	Commercial development.
SOUTH	HI-5-D, Interim SFR-1-B	Heavy Commercial development
WEST	Interim SFR-1-B,	Large lot residential

SURROUNDING AREA:

The subject area is located at the south west corner of Hero Way and Ronald W. Reagan Blvd. The majority of the surrounding area includes interim zoning with large lot residential uses and undeveloped land.

The properties to the west are located within the Employment Center of the Future Land Use Map, which allows commercial development ranging from small scale Local Office to Heavy Commercial zoning districts.

Properties to the east are majority located in the Activity Center, which allows some residential and majority commercial development with the exception of Heavy Commercial. Properties to the north and south include both Employment Center and Activity Center.

PHYSICAL AND NATURAL FEATURES:

The property contains minimal tree cover and will be subject to the City's tree preservation and mitigation requirements.

PROPERTY HISTORY:

The front portion of this property was annexed 01/20/2016 and The portion of the property around the residence was annexed 01/16/2013, followed by the half fronting Hero Way on 01/02/2016. The remainder of the lot was annexed 05/02/2018.

PREVIOUS ZONING CASES:

The following zone cases were previously submitted for this property:

- No prior zoning cases.

MAJOR CORRIDORS:

This property has access onto Hero Way.

TRANSPORTATION PLAN REQUIREMENTS:

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
Hero Way	Arterial	Employment Center Corridor	400' ROW 10' sidewalk

SUBDIVISIONS:

The following subdivision cases were previously submitted for this property:

- No prior subdivision cases

CURRENT LAND USES:

This property is currently being used as large lot residential.

EXISTING UTILITIES:

This property has access to water utilities along Hero Way (Figure 1), but the wastewater utilities will need to be extended to the site.

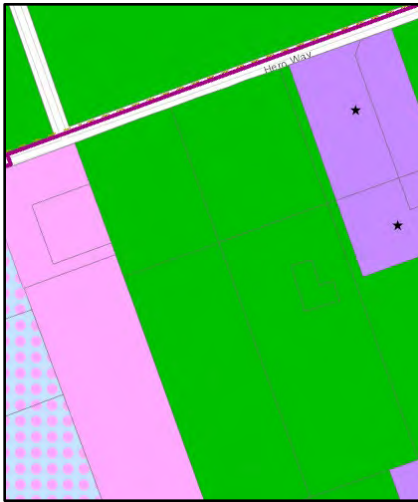


Figure 1 Waterline

PROPOSED ZONING DISTRICT:

USE COMPONENT**HC – HEAVY COMMERCIAL:**

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

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

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

Features: Accessory buildings up to 60% 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 D (non-residential only):**

Features: 2 or more architectural features.

Intent:

- (1) This architectural component is intended only for industrial warehouse, heavy commercial service and other similar applications and shall be utilized only with GC, HC or HI use components.
- (2) This component is not intended to be utilized with the majority of GC districts.

- (3) This component is not intended for retail or office development or adjacent to residential neighborhoods where not adequately buffered from residential uses.
- (4) This site component is discouraged along major thoroughfares and is intended to be utilized within industrial park development.

COMPREHENSIVE PLAN:

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: 80-100% Non-Residential, 0-20% 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 11/08/2021. The following changes were made to the project since the development meeting was held:

- The development meeting included 14 separate parcels, this request only includes 1 parcel.

The following ordinance changes occurred following the development meeting which may have impacted this project.

- No changes to the ordinance.

NOTIFICATION

12/30/2021 - Public Notice on Hill Country News
 01/05/2022 - Mail Notification to Property Owners within 200'
 01/05/2022 - Public Hearing Signage Posted on Property
 01/27/2022 - Planning and Zoning Commission Public Hearing
 02/17/2022 - City Council Public Hearing & First Reading of the Ordinance
 03/03/2022 - 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.

See Attachment 8, the applicant reached out to approximately 16 surrounding property owners.

- No concerns noted.

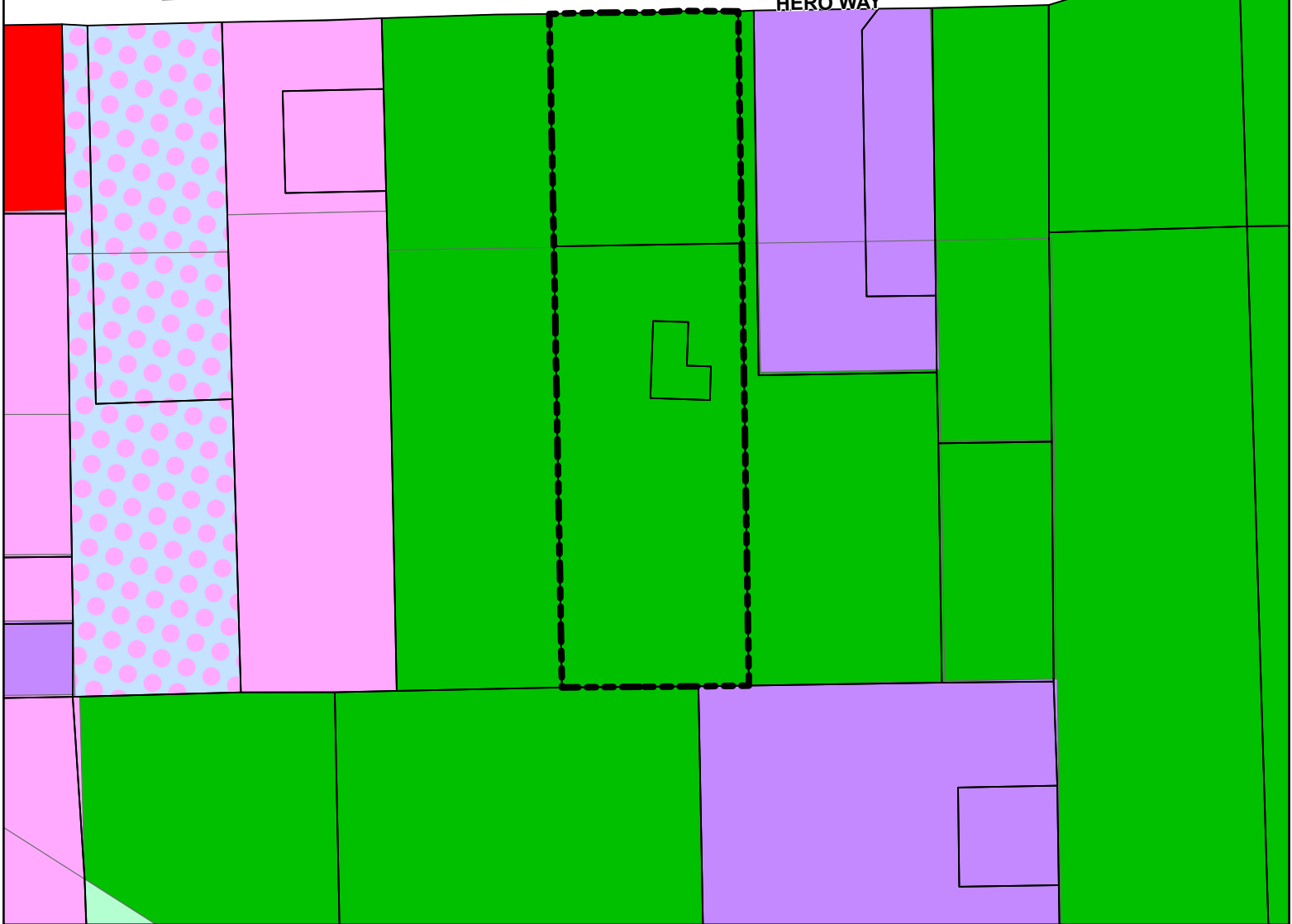
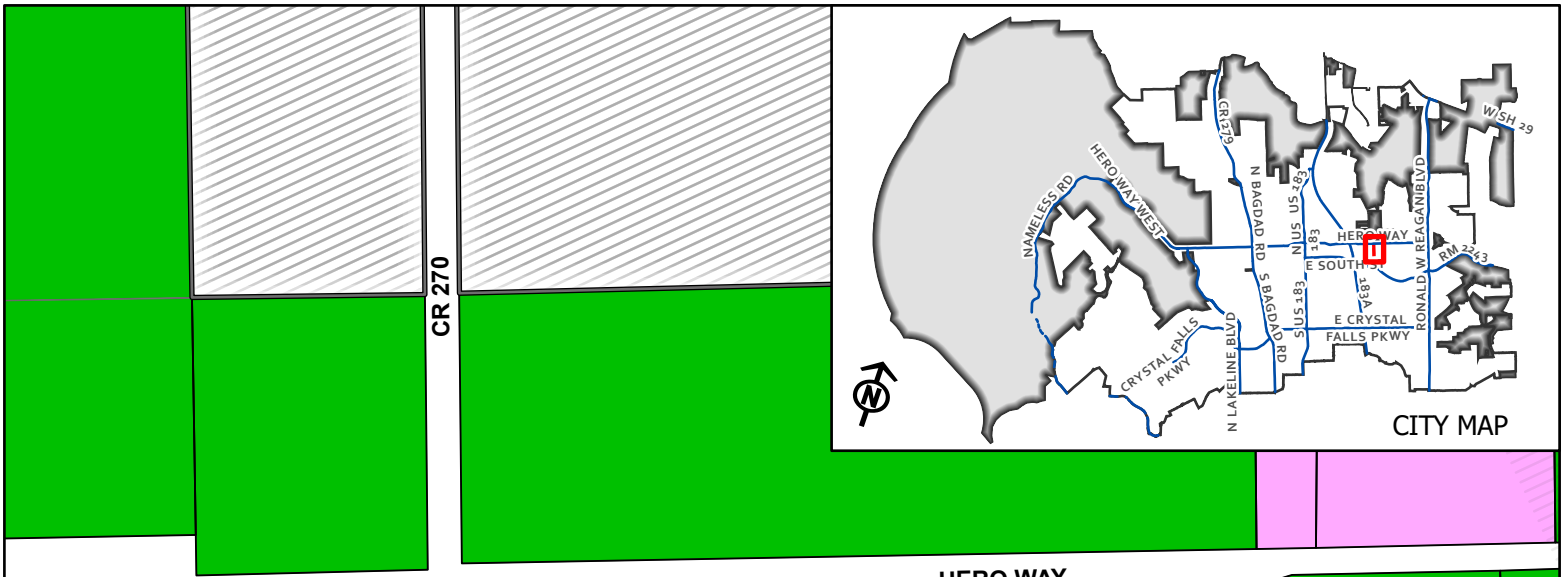
The following changes were made to address issues discussed.

- No changes noted.

Please see the full report from the applicant attached.

APPROVAL CRITERIA:

This request is compatible with the current zoning and land uses in the surrounding area. Adjacent to both heavy commercial and interim large lot residential uses. This area has recently had more interest in zoning changes from the interim residential to more commercial uses. The Future Land Use Map has designated this area as an Employment Center which allows for office, research, medical, manufacturing, light industrial, warehouse, and heavy commercial uses.



CASE: 21-Z-045

ATTACHMENT #2

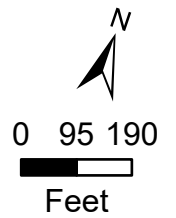
M RANCH #4

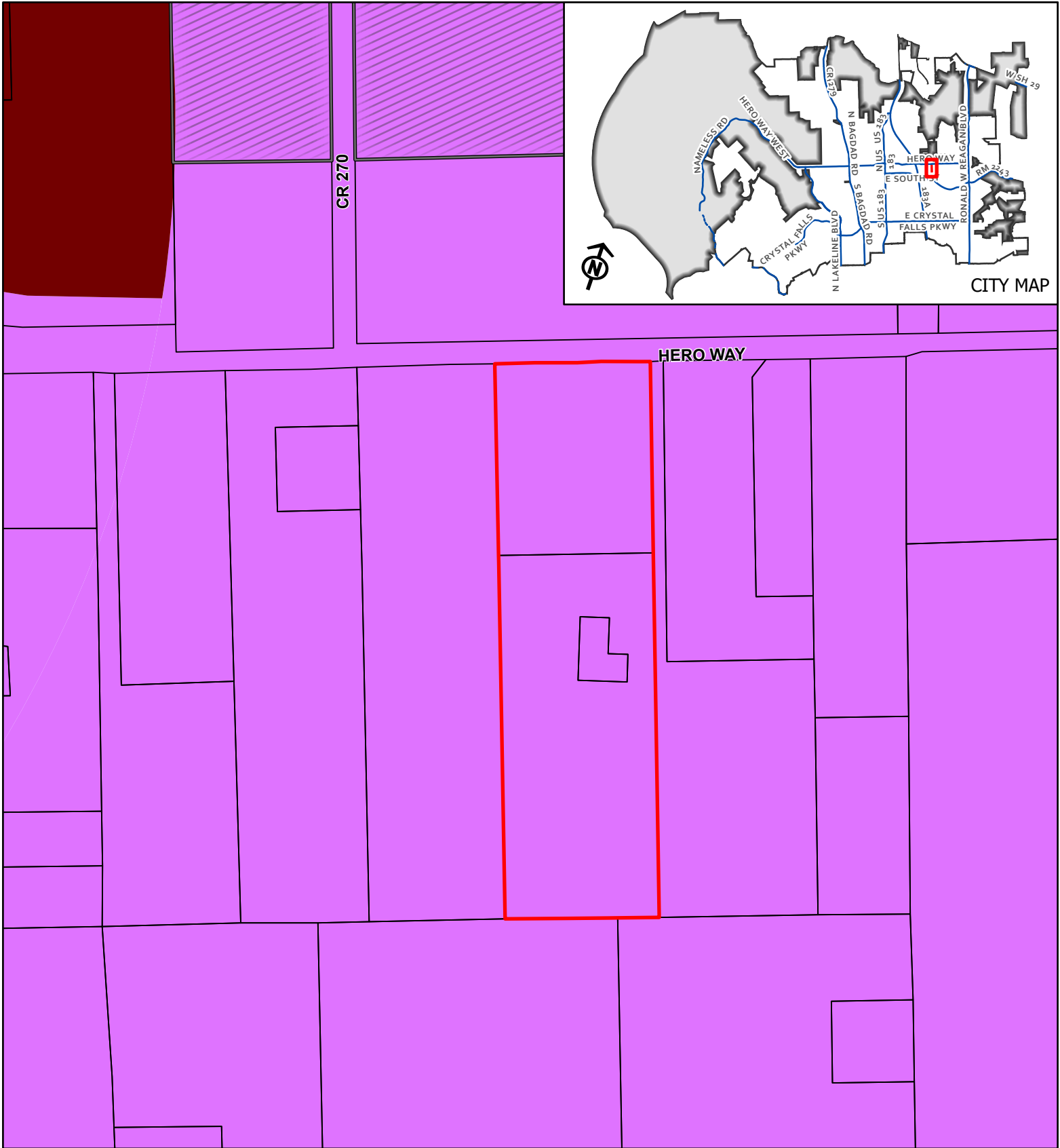
Current Zoning Map

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
- Leander ETJ
- Subject Area
- SFR - Single-Family Rural
- SFS - Single-Family Suburban

- GC - General Commercial
- HC - Heavy Commercial
- HI - Heavy Industrial
- PUD - Heavy Commercial





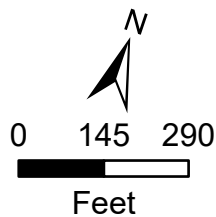
CASE: 21-Z-045

ATTACHMENT #3

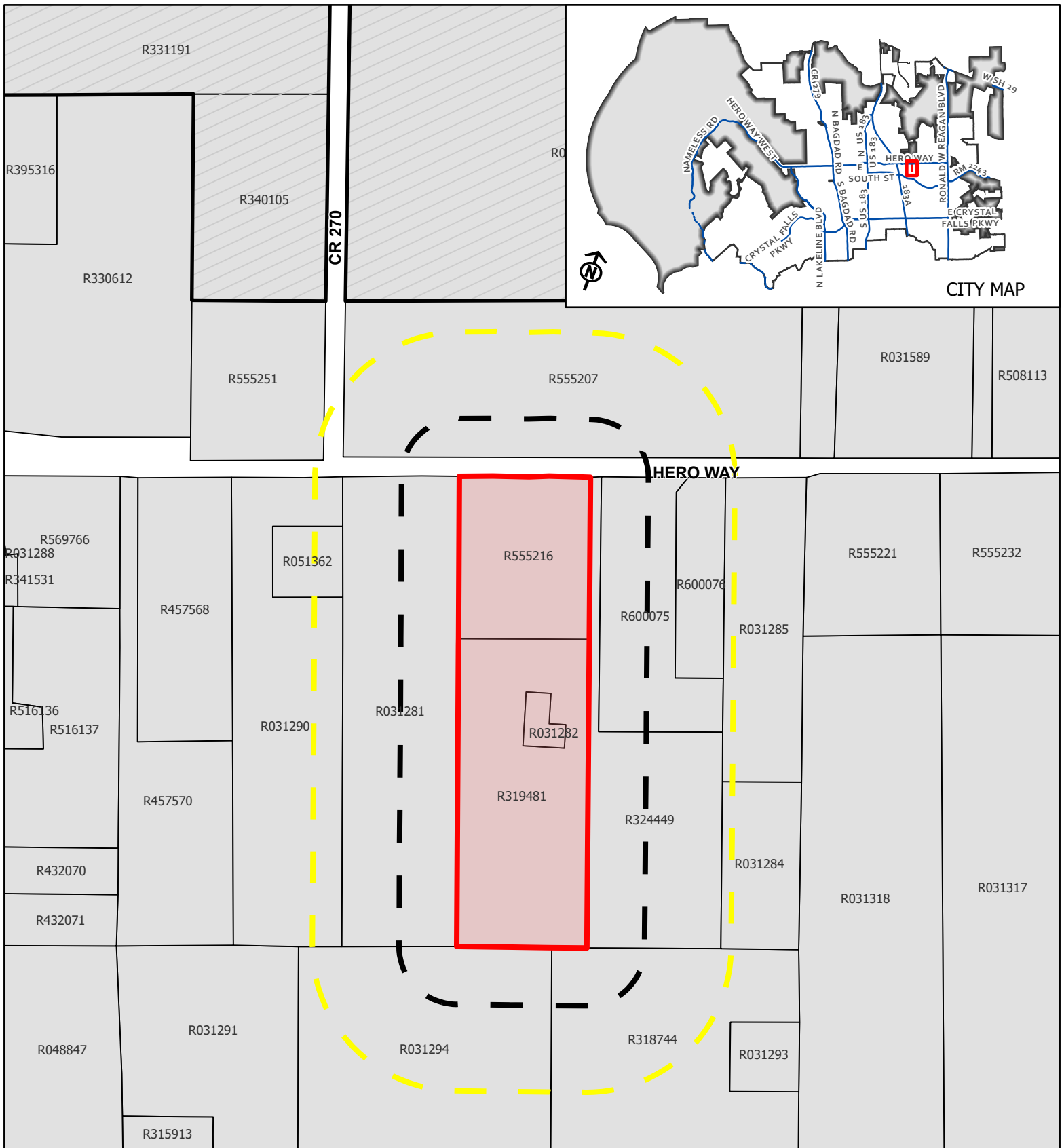
M RANCH #4

Future Land Use 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
- Leander ETJ
- Subject Area
- Activity Center
- Employment Center



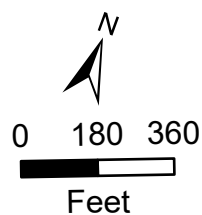
CASE: 21-Z-045

ATTACHMENT #4

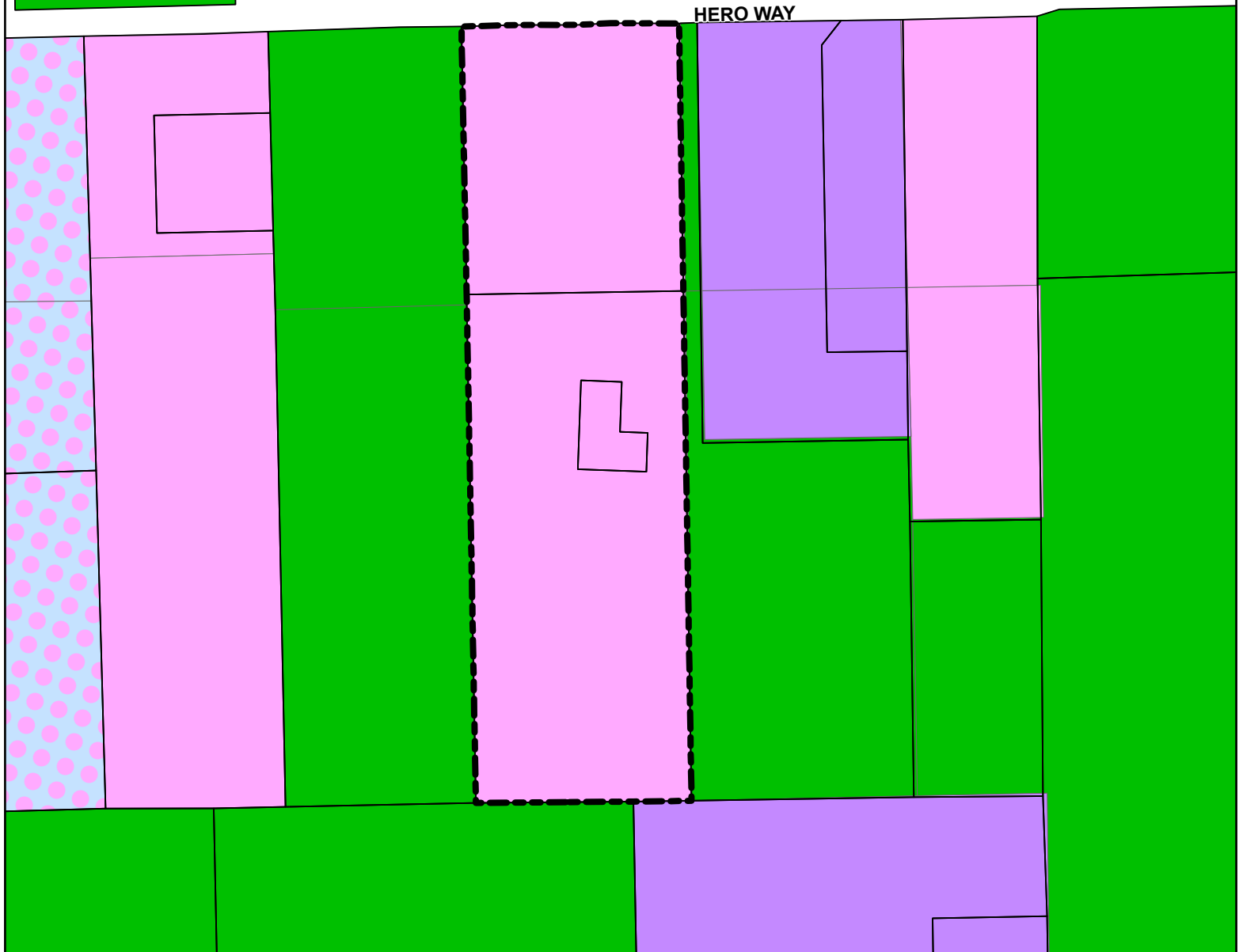
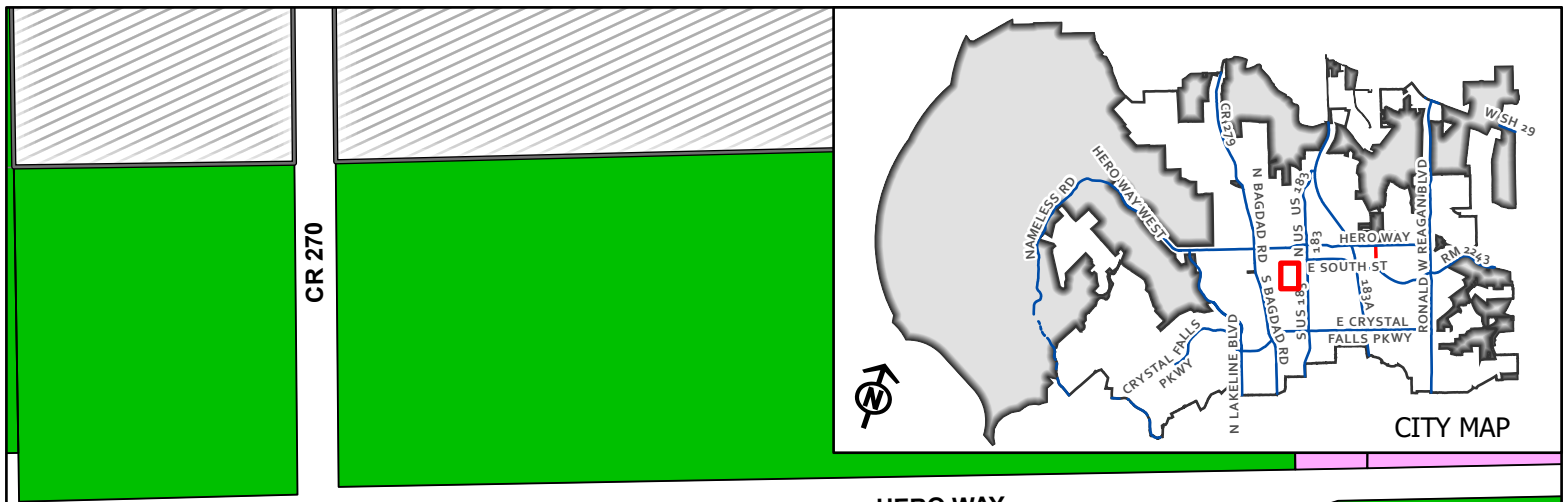
M RANCH #4

Site 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.



- Subject Area
- 200' Buffer
- 500' Buffer
- Leander City Limits
- ETJ



CASE: 21-Z-045

ATTACHMENT #5

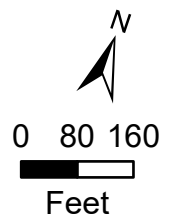
**M RANCH #4
2871 HERO WAY**

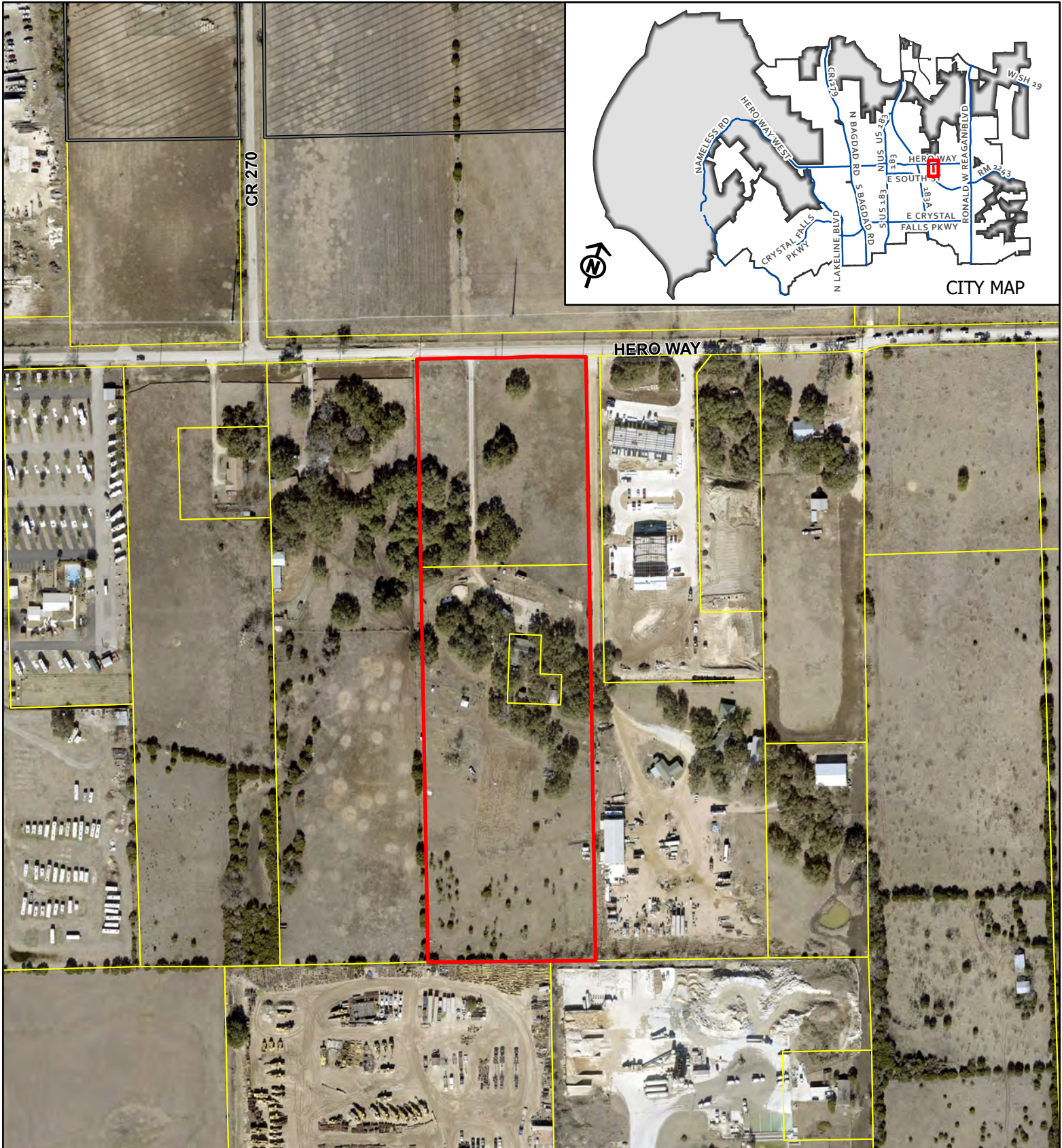
Proposed Zoning Map

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
- Leander ETJ
- Subject Area
- SFR - Single-Family Rural

- HC - Heavy Commercial
- HI - Heavy Industrial
- PUD - Heavy Commercial





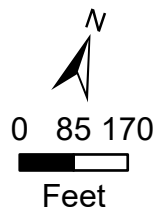
CASE: 21-Z-045

ATTACHMENT #6

M RANCH #4

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
-  Leander ETJ
-  Subject Area



December 3, 2021

City of Leander
P.O. Box 319
Leander, TX 78646

RE: M Ranch Zoning #4 Application HI-5-D
Letter of Intent

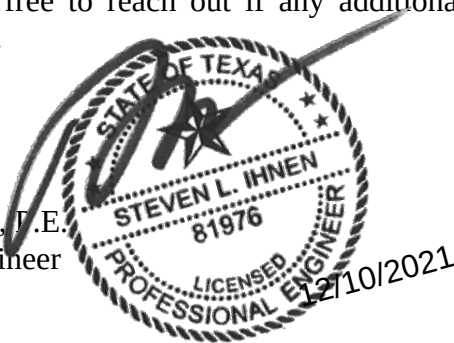
Please find the attached application for the proposed M Ranch Zoning of 12.819 acres of land situated west of Ronald Reagan Blvd and fronts Hero Way. The site is surrounded by single family on all sides and some heavy industrial to the east and south. The site fronts Hero Way and is mostly flat with scattered trees. Included with this submittal is a survey exhibit with metes and bounds information of the parcels.

We are proposing HI-5-D for parcel 555216, R31948, and R031282. At this time we are requesting a straight zoning request.

Please feel free to reach out if any additional information is needed. Your consideration is appreciated.

Thank you!

Steve Ihnen, P.E.
Project Engineer



APPLICANT'S SUMMARY OF NEIGHBORHOOD COMMUNICATIONS

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.

Mailing labels and a list of neighbors within 200' has been provided to the City. Remaining neighbors within the 500' were sent notification of zoning application via certified mail. Certified mail was sent for parcel #'s R600076, R031285, R031284 and R031290/R051362. In addition, Dr. Vivek Mahendru reached out to neighbors via phone and email.

See attached notification that was mailed out.

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.

Mailing labels and a list of neighbors within 200' has been provided to the City. Remaining neighbors within the 500' were sent notification of zoning application via certified mail. Certified mail was sent for parcel #'s R600076, R031285, R031284 and R031290/R051362. In addition, Dr. Vivek Mahendru reached out to neighbors via phone and email.

See attached notification that was mailed out.

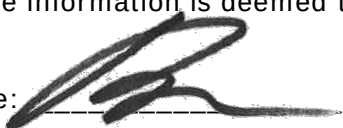
3. What concerns were raised during these communications?

Neighbors are supporting the proposed zoning.

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

No conditions or concerns were added to the zoning request.

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

Signature: 

Date 12-15-2021

Notice of Zoning Application

PROJECT NAME: M Ranch #4

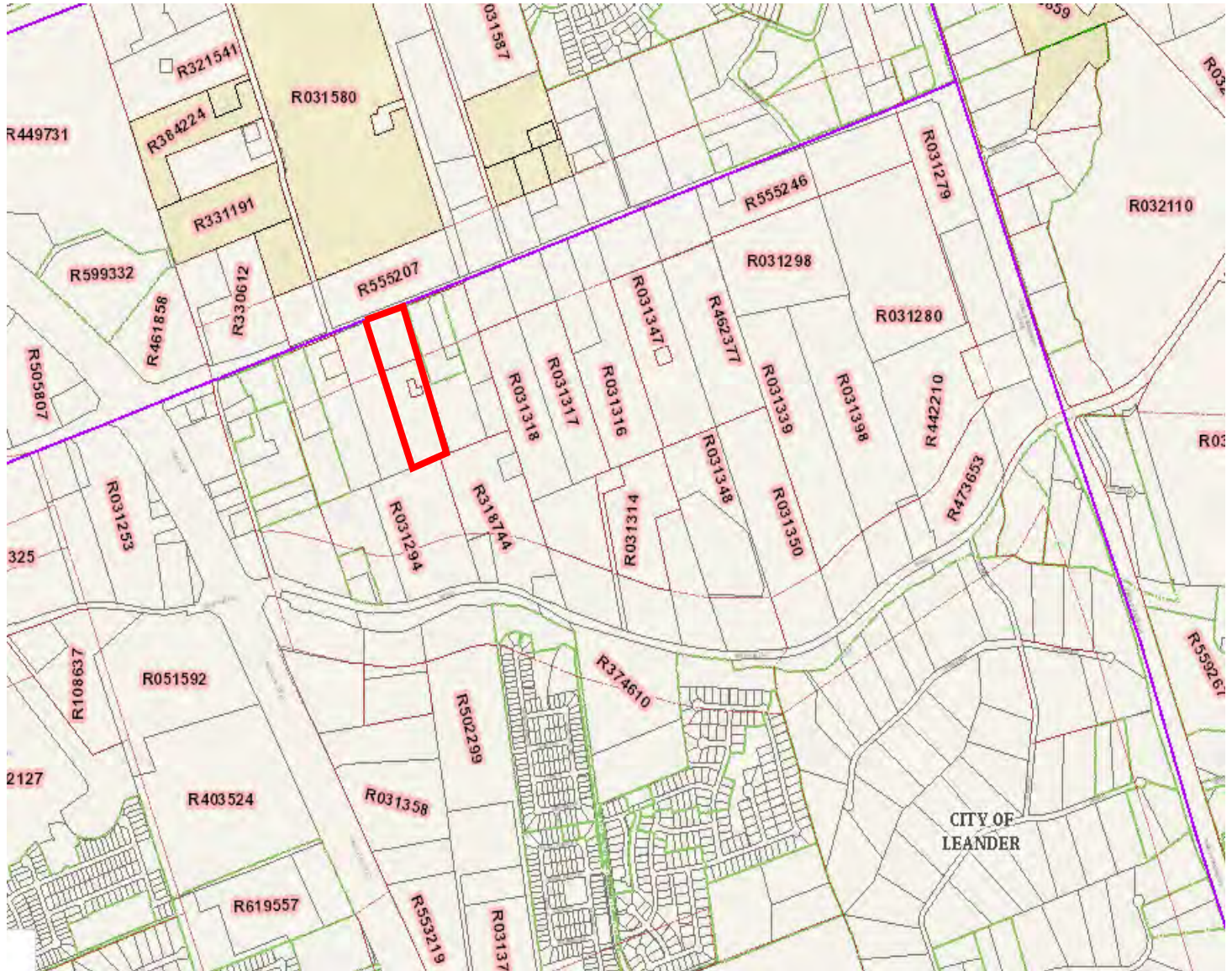
APPLICANT: Vivek Mahendru, MD

APPLICANT AGENT: Bleyl Engineering – Steve Ihnen, P.E.
12007 Technology Blvd, Ste. 150, Austin, TX 78727
512-454-2400

SITE ADDRESS: 2871 Hero Way Leander, Williamson County, Texas

DESCRIPTION: To amend the current zoning of Interim SFR-1-B (Single-Family Rural) to HI-5-D (Heavy Industrial) on approximately 12.819 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R555216, R319481, R031282; and more commonly known as 2871 Hero Way, Leander, Williamson County, Texas. Applicant/Agent: Bleyl Engineering (Steve Ihnen) on behalf of Vivek Mahendru, MD." SEE ATTACHED MAP.

If you have any questions or would like to schedule a meeting to discuss this project please feel free to reach out to Steve Ihnen with Bleyl Engineering at 512-454-2400.



U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Liberty Hill, TX 78642

7020 1810 0000 8186 9656

Certified Mail Fee	\$3.75	0640
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	05
☐ Return Receipt (hardcopy)	\$0.00	
☐ Return Receipt (electronic)	\$0.00	
☐ Certified Mail Restricted Delivery	\$0.00	
☐ Adult Signature Required	\$0.00	
☐ Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.58	
Total Postage and Fees	\$4.33	

Postmark Here
 12/14/2021

Sent To
 Prelude Ventures LLC
 Street and Apt. No., or PO Box No.
 315 County Road 205
 City, State, ZIP+4®
 Liberty Hill, TX 78642

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Leander, TX 78641

7020 1810 0000 8186 9663

Certified Mail Fee	\$3.75	0640
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	05
☐ Return Receipt (hardcopy)	\$0.00	
☐ Return Receipt (electronic)	\$0.00	
☐ Certified Mail Restricted Delivery	\$0.00	
☐ Adult Signature Required	\$0.00	
☐ Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.58	
Total Postage and Fees	\$4.33	

Postmark Here
 12/14/2021

Sent To
 Daptini J W & Jan
 Street and Apt. No., or PO Box No.
 2999 Hero Way
 City, State, ZIP+4®
 Leander, TX 78641-1628

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Leander, TX 78641

7020 1810 0000 8186 9670

Certified Mail Fee	\$3.75	0640
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	05
☐ Return Receipt (hardcopy)	\$0.00	
☐ Return Receipt (electronic)	\$0.00	
☐ Certified Mail Restricted Delivery	\$0.00	
☐ Adult Signature Required	\$0.00	
☐ Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.58	
Total Postage and Fees	\$4.33	

Postmark Here
 12/14/2021

Sent To
 Mauck Properties LLC
 Street and Apt. No., or PO Box No.
 2967 Hero Way
 City, State, ZIP+4®
 Leander, TX 78641

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Georgetown, TX 78633

7020 1810 0000 8186 9687

Certified Mail Fee	\$3.75	0640
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	05
☐ Return Receipt (hardcopy)	\$0.00	
☐ Return Receipt (electronic)	\$0.00	
☐ Certified Mail Restricted Delivery	\$0.00	
☐ Adult Signature Required	\$0.00	
☐ Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.58	
Total Postage and Fees	\$4.33	

Postmark Here
 12/14/2021

Sent To
 Majestic Oak Pk Resort LLC
 Street and Apt. No., or PO Box No.
 5411 Williams Dr. Ste. 303
 City, State, ZIP+4®
 Georgetown, TX 78633

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING THE ZONING ORDINANCE BY REZONING THREE PARCELS OF LAND FROM INTERIM SFR-1-B (SINGLE-FAMILY RURAL) TO HC-4-D (HEAVY 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 parcels of land, which is herein referred to as the "Property". That certain parcels of land being including 12.819 acres ±; being more particularly described in Exhibit "A"; commonly known as 2871 Hero Way; identified by Williamson Central Appraisal District tax identification numbers R555216, R319481 and R031282; more particularly described in Instrument Number 2004099911 recorded in the Official Public Records of Williamson County, Texas.

SECTION 4. Property Rezoned. The Zoning Ordinance is hereby amended by changing the zoning district for the Property from Interim SFR-1-B (Single-Family Rural) to HC-4-D (Heavy Commercial) as shown in Exhibit "A".

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 17th day of February, 2022.
FINALLY PASSED AND APPROVED on this the 3rd day of March, 2022.

ATTEST:

THE CITY OF LEANDER, TEXAS:

Dara Crabtree, City Secretary

Christine DeLisle, Mayor



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

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

January 27, 2022 at 7:00 PM



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

Place 5 – Gary Hampton, Jr.
Place 6 – Laura Lantrip
Place 7 – Rick Carpenter

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

1. Call to Order at 7:00 pm.
2. Roll Call. Reflected all present.
3. Director's report to the Planning & Zoning Commission on actions taken by the City Council at the January 20, 2022 meeting
4. Review of meeting protocol.
5. Citizen Comments: Three (3) minutes allowed per speaker.
[Please turn in speaker request form before the meeting begins.]

CONSENT AGENDA: ACTION

Motion made by Commissioner Ron May, seconded by Vice Chair Donnie Mahan to approve Consent agenda items 6-9.

AYE: Vice Chair Donnie Mahan, Chair John Cosgrove, Commissioner Ron May,
Commissioner Deirdre Moss, Commissioner Gary Hampton, Jr., Commissioner Laura
Lantrip, Commissioner Rick Carpenter

7 - 0 Passed

6. Approval of Subdivision Case 21-SFP-001 regarding SJ&A River Addition Short Form Final Plat on two parcels of land approximately 9.412 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District R549158 and R032202; generally located west of Ronald W. Reagan Blvd. and east of Arapaho Mountain Pass, Leander, Williamson County, Texas.

7. Approval of Subdivision Case 11-SFP-001 regarding Crystal Village Phase One Short Form Final Plat on portions of four parcels of land approximately 17.315 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R432786, R031200, R080605, and R031201; generally located to the southeast of the intersection of E Crystal Falls Pkwy and 183A Toll Road, Leander, Williamson County, Texas.
8. Approval of the Subdivision, Site Development, and Dry Utility Application Forms pursuant to Article IX, Section 9 (a) (1) c. of the Composite Zoning Ordinance; Leander, Williamson & Travis Counties, Texas.
9. Approval of Minutes.

PUBLIC HEARING: ACTION

10. Chair Cosgrove opened a Public Hearing at 7:01 pm and consider action regarding Zoning Case 21-Z-026 to amend the current zoning of SFU/MH-2-B (Single-Family Urban/Manufactured Home) to create the Sky Heights PUD (Planned Unit Development) with a base zoning of SFT-2-B (Single-Family Townhouse) on one parcel of land approximately 2.68 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R036438; legally described as Lot 3, Blk A, Leander Heights Section 2; and more commonly known as 415 Lion Dr, Leander, Williamson County, Texas. No one spoke in favor or opposition of the request. The public hearing closed at 7:07 pm.

- Discuss and consider action regarding Zoning Case 21-Z-026 as described above.

Motion made by Commissioner Laura Lantrip, seconded by Commissioner Deirdre Moss

AYE: Vice Chair Donnie Mahan, Chair John Cosgrove, Commissioner Ron May,
Commissioner Deirdre Moss, Commissioner Gary Hampton, Jr., Commissioner Laura
Lantrip, Commissioner Rick Carpenter

7 - 0 Passed

11. Chair Cosgrove opened a Public Hearing at 7:13 pm and consider action regarding Zoning Case 21-Z-037 to amend the current zoning of LC-2-B (Local Commercial) and SFU/MH-2-B (Single-Family Urban/Manufactured Home) to GC-3-C (General Commercial) and LC-2-A (Local Commercial) on two parcels of land approximately 1.5660 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R035565 and R035563; and addressed as 1007 and 1009 Los Vista Drive, Williamson County, Texas. No one spoke in favor or opposition of the request. The public hearing closed at 7:18 pm.

- Discuss and consider action regarding Zoning Case 21-Z-037 as described above.

Motion made by Vice Chair Donnie Mahan, seconded by Commissioner Laura Lantrip

AYE: Vice Chair Donnie Mahan, Chair John Cosgrove, Commissioner Ron May,
Commissioner Deirdre Moss, Commissioner Gary Hampton, Jr., Commissioner Laura
Lantrip, Commissioner Rick Carpenter

7 - 0 Passed

12. Chair Costrove opened a Public Hearing at 7:23 pm and consider action regarding Zoning Case 21-Z-040 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to LO-2-B (Local Office) on eight parcels of land approximately 27.99 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R031590, R031591, R031592, R031594, R031595, R508113, R508114, and R508115; and addressed as 3250 Hero Way, Leander, Williamson County, Texas. Denise Lewis, 3336 Hero Way Leander, TX 78641 was opposed to this item. Charles Hoskins, 3350 Hero Way Leander, TX 78641 was opposed to this item. The public hearing closed at 7:29 pm.

- Discuss and consider action regarding Zoning Case 21-Z-040 as described above.

Motion made by Commissioner Gary Hampton, Jr., seconded by Vice Chair Donnie Mahan

AYE: Vice Chair Donnie Mahan, Chair John Cosgrove, Commissioner Ron May,
Commissioner Deirdre Moss, Commissioner Gary Hampton, Jr., Commissioner Laura
Lantrip, Commissioner Rick Carpenter

7 - 0 Passed

13. Chair Cosgrove opened a Public Hearing at 7:37 pm and consider action regarding Zoning Case 21-Z-041 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to GC-3-C (General Commercial) on two parcels of land approximately 22.039 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R031358 and R602142; and addressed as 8622 183A Toll Road, Leander, Williamson County, Texas. No one spoke in favor or opposition of the request. The public hearing closed at 7:42 pm.

- Discuss and consider action regarding Zoning Case 21-Z-041 as described above.

Motion made by Commissioner Ron May, seconded by Commissioner Laura Lantrip

AYE: Vice Chair Donnie Mahan, Chair John Cosgrove, Commissioner Ron May,
Commissioner Deirdre Moss, Commissioner Gary Hampton, Jr., Commissioner Laura
Lantrip, Commissioner Rick Carpenter

7 - 0 Passed

14. Chair Cosgrove opened a Public Hearing at 7:45 pm and consider action regarding Zoning Case 21-Z-043 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to GC-2-B (General Commercial) on five parcels of land approximately 33.911 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R555235, R555246, R031297, R555247, R031279; and addressed as 2957, 3345, 3549, & 3919 Hero Way, Leander, Williamson County, Texas. Charles Hoskins, 3350 Hero Way Leander, TX 78641 was opposed to this item. The public hearing closed at 7:51 pm.

- Discuss and consider action regarding Zoning Case 21-Z-043 as described above.

Motion made by Vice Chair Donnie Mahan, seconded by Commissioner Ron May

AYE: Vice Chair Donnie Mahan, Chair John Cosgrove, Commissioner Ron May,
Commissioner Deirdre Moss, Commissioner Gary Hampton, Jr., Commissioner Laura
Lantrip, Commissioner Rick Carpenter

7 - 0 Passed

15. Chair Cosgrove opened a Public Hearing at 7:54 pm and consider action regarding Zoning Case 21-Z-045 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to HC-4-D (Heavy Commercial) on three parcels of land approximately 12.819 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R555216, R319481 and R031282; and addressed as 2871 Hero Way, Leander, Williamson County, Texas. Chalres Hosking, 3350 Hero Way Leander, TX 78641 was opposed to this item. The public hearing closed at 7:58 pm.
- Discuss and consider action regarding Zoning Case 21-Z-045 as described above.

Motion made by Commissioner Rick Carpenter, seconded by Commissioner Deirdre Moss

AYE: Vice Chair Donnie Mahan, Chair John Cosgrove, Commissioner Ron May,
Commissioner Deirdre Moss, Commissioner Gary Hampton, Jr., Commissioner Laura
Lantrip, Commissioner Rick Carpenter

7 - 0 Passed

REGULAR AGENDA

16. Received a presentation from Kimley-Horn & Associates (KHA) regarding the draft land use assumptions and capital improvements plan for the 2022 Roadway Impact Fee Study.
17. Adjournment at 8:47 pm.

APPROVED:

CHAIRMAN COSGROVE

ATTEST:

ELLEN COUFAL
PLANNING & ZONING COMMISSION SECRETARY



EXECUTIVE SUMMARY
03/03/2022

AGENDA SUBJECT:

Acceptance of Subdivision Public Infrastructure Improvements for Barnett Professional Plaza

BACKGROUND:

The subdivision Public infrastructure improvements required for the Barnett Professional Plaza have been installed, inspected, and are satisfactorily completed. All documentation required for acceptance of the subdivision has been received, including record drawings, statement of substantial completion prepared by a professional engineer licensed in the State of Texas, copies of all inspection reports and certified test results, electronic files of the improvements and final plat, affidavit of all bills paid, and a two (2)- year term maintenance bond. The maintenance bond will commence its two (2)- year term upon City Council acceptance, as anticipated, on March 3, 2022 which will provide warranty and maintenance coverage for the public infrastructure improvements through March 3, 2024. The engineering department will perform a formal inspection of the improvements approximately thirty (30) days prior to the expiration of the maintenance bond to assure that any defects in materials, workmanship, or maintenance are corrected prior to expiration of the bond.

RECOMMENDATION:

Staff recommends City Council's formal acceptance of the subdivision infrastructure improvements for the Barnett Professional Plaza

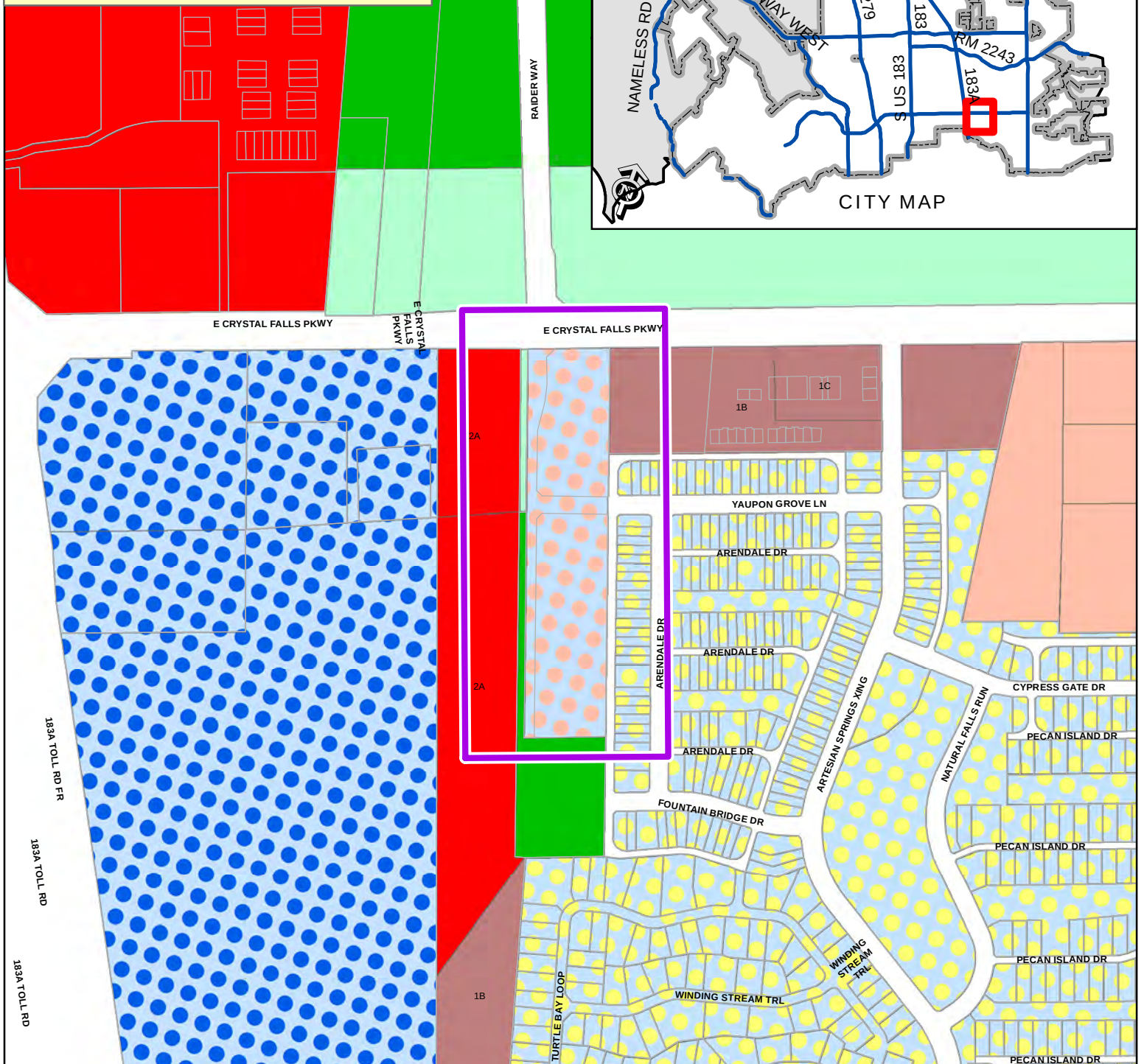
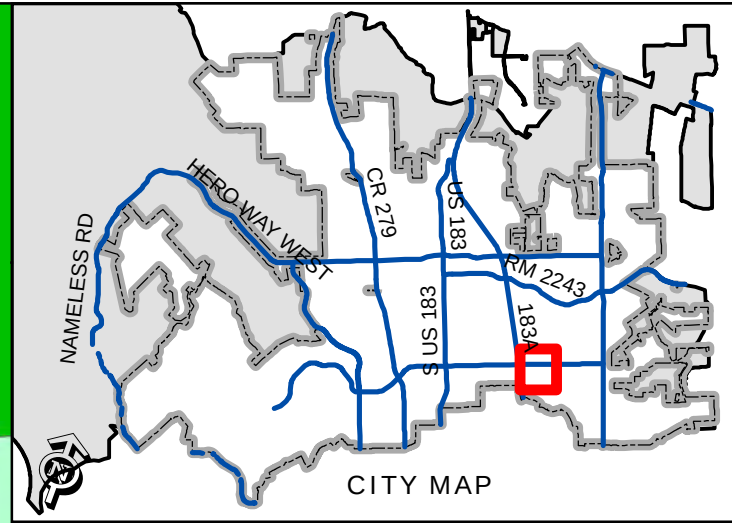
PRESENTER:

Ross E. Blackketter, P.E., City Engineer

Attachments

1. Barnett P Acceptance Documents

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.



PROJECT ACCEPTANCE

Location Map - Barnett Professional Plaza (20-PICP-022)

	Acceptance Area		SFR - Single-Family Rural		GC - General Commercial
	City Limits		SFS - Single-Family Suburban		PUD - Single-Family
			MF - Multi-Family		PUD - Mixed Use
			LO - Local Office		PUD - Local Office
			LC - Local Commercial		



0 400
Feet



Firm # 17877

February 18, 2022

Mr. Sarvesh D. Dhakal, P.E.
City of Leander
201 N Brushy Street
Leander, TX 78641

**Re: Barnett Professional Plaza Public Improvement Construction Plans – Street, Water, Wastewater & StormDrain Improvements – Project Number – 20-PICP-022
Engineer's Concurrence**

Dear Mr. Dhakal:

On this date (February 18, 2022), I, the undersigned professional engineer, have made a visual inspection of the above referenced project. No discrepancies from the approved construction plans or deficiencies in construction were visible or brought to my attention other than those noted on the Record Drawings. Per the Development Agreement, the construction of Yaupon Grove will be completed by the City on a schedule determined by the City. Notations for what was not constructed have been added to the Record Drawings. I therefore, certify that all improvements are in substantial conformance with the approved construction plans and all City requirements, including the Subdivision Ordinance and Composite Zoning Ordinance.

If you need any additional information from me, please do not hesitate to contact my office.

Best Regards,

Gary Eli Jones, P.E.
Member



02/18/2022

MAINTENANCE BOND
Subdivision Improvements

THE STATE OF TEXAS §

COUNTY OF WILLIAMSON §

KNOW ALL BY THESE PRESENTS, that Crystal Falls Professional Developers, LLC as Principal, whose address is 10804 E. Crystal Falls Parkway, Leander, TX 78641 and FCCI Insurance Company a Corporation organized under the laws of the State of Florida, and duly authorized to do business in the State of Texas, as Surety, are held and firmly bound unto the City of Leander, Texas as Obligee, in the penal sum of Fourteen Thousand Three Hundred Twenty Six and 10/100 Dollars (\$ 14,326.10) to which payment will and truly to be made we do bind ourselves, our and each of our heirs, executors, administrators, successors and assigns jointly and severally, firmly by these presents.

BARNETT PROFESSIONAL PLAZA PUBLIC IMPROVEMENT

WHEREAS, the said Principal has constructed CONSTRUCTION PLANS - STREET, WATER, WASTEWATER & STORM DRAIN IMPROVEMENTS - PROJECT NUMBER: 20-PICP-022 (the "improvements") pursuant to the ordinances of the Obligee, which ordinances are hereby expressly made a part hereof as though the same were written and embodied herein;

WHEREAS, said Obligee requires that the Principal furnish a bond conditioned to guarantee for the period of two (2) years after acceptance by the Obligee, against all defects in workmanship and materials which may become apparent during said period;

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH that, if the Principal keeps and perform the requirement of the Obligee's ordinances and this Maintenance Bond to maintain the improvements and keep the same in good repair and shall indemnify the Obligee for all loss that the Obligee may sustain by reason of any defective materials or workmanship which become apparent during the period of two (2) years from and after the date of acceptance by the Owner, then this obligation shall be void, otherwise to remain in full force and effect, and Owner shall have and cover from said Principal and Surety damages in the premises, as provided, and it is further agreed that this obligation shall be a continuing one against the Principal and Surety hereon, and that successive recoveries may be had thereon for successive breaches until the full amount shall have been exhausted; and it is further understood that the obligation herein to maintain said improvements shall continue throughout the maintenance period, and the same shall not be diminished in any manner from any cause during said time.

Principal agrees to repair or reconstruct the improvements in whole or in part at any time within the two year period to such extent as the Obligee deems necessary to properly correct all defects except for normal wear and tear. If the Principal fails to make the necessary corrections within ten days after being notified, the Obligee may do so or have done all said corrective work and shall have recovery hereon for all expenses thereby incurred. Principal will maintain and keep in good repair the improvements for a period of two years from the date of acceptance; it being understood that the purpose of this Maintenance Bond is to cover all defective conditions arising by reason of defective material, work, or labor performed by said Principal or its

subcontractors, and in the case the said Principal shall fail to do so within ten days after being notified, it is agreed that the Obligee may do said work and supply such materials, and charge the same against Principal and Surety on this obligation.

The Surety shall notify the Obligee at least fifteen (15) days prior to the end of the first full calendar year and prior to the lapse of this Maintenance Bond at the end of the second full calendar year.

Surety and Principal agree that whenever a defect or failure of the improvement occurs within the period of coverage under this Bond, the Surety and Principal shall provide a new maintenance bond or other surety instrument in a form acceptable to the Obligee and compliant with the Obligee's ordinances conditioned to guarantee for the period of one (1) year after the Obligee's acceptance of the corrected defect or failure, against all defects in workmanship and materials associated with the corrected defect or failure which may become apparent during said period, which shall be in addition to this Maintenance Bond.

The Surety agrees to pay the Obligee upon demand all loss and expense, including attorneys' fees, incurred by the Obligee by reason of or on account of any breach of this obligation by the Surety. Provided further, that in any legal action be filed upon this bond, venue shall lie in the county where the improvements are constructed.

This Bond is a continuing obligation and shall remain in full force and effect until cancelled as provided for herein.

Surety, for value received, stipulates and agrees that no change, extension of time, alteration or addition to the improvements, or the work to be performed thereon, or the plans, specifications or drawings accompanying the same, shall in any way affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the improvements, or the work to be performed thereon.

IN WITNESS WHEREOF, the said Principal and Surety have signed and sealed this instrument this 22nd day of February, 2022.

Crystal Falls Professional Developers, LLC

Principal

By: _____

Title: _____

Address: 10804 E. Crystal Falls Parkway

Leander, TX 78641

FCCI Insurance Company

Surety

By: Kaylee Parise

Title: Attorney-in-Fact

Address: 6300 University Parkway

Sarasota, FL 34240

The name and address of the Resident Agent of Surety is:

Frost Insurance Agency, Inc.

401 Congress Ave., Suite 1400, Austin, TX 78701

(Seal)



GENERAL POWER OF ATTORNEY

Know all men by these presents: That the FCCI Insurance Company, a Corporation organized and existing under the laws of the State of Florida (the "Corporation") does make, constitute and appoint:

Allen Bale; Frank Cruz; John R Wilson; Juanita Austin; Rainy Heady; Greg A Wilkerson; John R Wilson; Nikki Adams; Crystal Carlson; Bonni Stafford; Eunice Duong; Todd Durst; Talia D'Abramo; Johnny W Grabner; Kaylee Parise

Each, its true and lawful Attorney-In-Fact, to make, execute, seal and deliver, for and on its behalf as surety, and as its act and deed in all bonds and undertakings provided that no bond or undertaking or contract of suretyship executed under this authority shall exceed the sum of (not to exceed \$10,000,000.00): **\$10,000,000.00**

This Power of Attorney is made and executed by authority of a Resolution adopted by the Board of Directors. That resolution also authorized any further action by the officers of the Company necessary to effect such transaction.

The signatures below and the seal of the Corporation may be affixed by facsimile, and any such facsimile signatures or facsimile seal shall be binding upon the Corporation when so affixed and in the future with regard to any bond, undertaking or contract of surety to which it is attached.

In witness whereof, the FCCI Insurance Company has caused these presents to be signed by its duly authorized officers and its corporate Seal to be hereunto affixed, this 23rd day of July, 2020.

Attest: Christina D. Welch
Christina D. Welch, President
FCCI Insurance Company

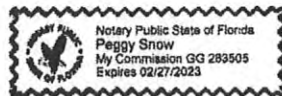


Christopher Shoucair
Christopher Shoucair,
EVP, CFO, Treasurer, Secretary
FCCI Insurance Company

State of Florida
County of Sarasota

Before me this day personally appeared Christina D. Welch, who is personally known to me and who executed the foregoing document for the purposes expressed therein.

My commission expires: 2/27/2023

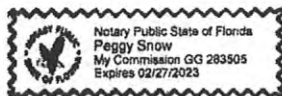


Peggy Snow
Notary Public

State of Florida
County of Sarasota

Before me this day personally appeared Christopher Shoucair, who is personally known to me and who executed the foregoing document for the purposes expressed therein.

My commission expires: 2/27/2023



Peggy Snow
Notary Public

CERTIFICATE

I, the undersigned Secretary of FCCI Insurance Company, a Florida Corporation, DO HEREBY CERTIFY that the foregoing Power of Attorney remains in full force and has not been revoked; and furthermore that the February 27, 2020 Resolution of the Board of Directors, referenced in said Power of Attorney, is now in force.

Dated this 22nd day of February 2022

Christopher Shoucair
Christopher Shoucair, EVP, CFO, Treasurer, Secretary
FCCI Insurance Company

IMPORTANT NOTICE

To obtain information or make a complaint:

You may call FCCI Insurance Group's (FCCI)* toll-free telephone number for information or to make a complaint at 1-800-226-3224.

You may also write to FCCI Insurance Group Compliance Department e-mail at StateComplaints@fcci-group.com.

For Claims, you may write to FCCI Insurance Group Claim Department e-mail at newclaim@fcci-group.com.

You may contact the Texas Department of Insurance to obtain information on companies, coverages, rights or complaints at 1-800-252-3439.

You may write the Texas Department of Insurance:

PO Box 149104

Austin TX 78714-9104

Fax: 1-512-490-1007

Web: <http://www.tdi.texas.gov>

E-mail: ConsumerProtections@tdi.texas.gov

PREMIUM OR CLAIM DISPUTES

Should you have a dispute concerning your premium or about a claim you should contact FCCI first. If the dispute is not resolved, you may contact the Texas Department of Insurance.

ATTACH THIS NOTICE TO YOUR BOND

This notice is for information only and does not become a part or condition of the attached documents.

*The FCCI Insurance Group includes the following insurance carriers: Brierfield Insurance Company, FCCI Advantage Insurance Company, FCCI Commercial Insurance Company, FCCI Insurance Company, Monroe Guaranty Insurance Company, and National Trust Insurance Company.



Firm # 17877

February 25, 2022

REVISED

Mr. Sarvesh D. Dhakal, P.E.
City of Leander
201 N Brushy Street
Leander, TX 78641

**Re: Barnett Professional Plaza Public Improvement Construction Plans – Street, Water, Wastewater & StormDrain Improvements – Project Number – 20-PICP-022
Final Cost and Quanties**

Dear Mr. Dhakal:

The following is information as applicable for the referenced PICP project.

Final Plat Legal Name as Recorded: **Barnett Professional Plaza Short Form Final Plat (Doc #: 2021101004)**
Name on Approved Construction Documents: **Crystal Falls Professional Developers, LLC**
Name of Bank Bond for Fiscal Posting: **FCCI Insurance Group**

COST CATEGORIES	AMOUNT
EROSION CONTROL	\$ 10,270
STREETS	\$ 40,256
DRAINAGE	\$ 1,060
WATER	\$ 77,760
WASTEWATER	\$ 11,220
STREETLIGHTS	\$ -
LANDSCAPE IMPROVEMENTS	\$ 2,695
TOTAL	\$ 143,261

The following 2 year maintenance bond is required for the project:

Total Improvements = \$143,261
Maintenance Bond (10%) = \$14,326.10

The following construction inspection fees have been paid.

Total Improvements = \$143,261
Currently Paid Inspection Fees = \$3,570.56
Inspection Fees (3.5%) = \$5,014
Remaining Insp Fees to be Paid = \$1,443.44

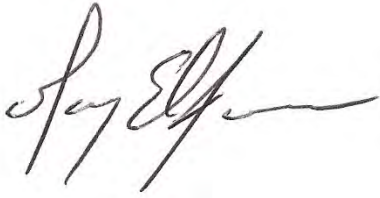
If you need any additional information from me, please do not hesitate to contact my office.

512-658-8095

700 THERESA CV, CEDAR PARK, TX

gejtexas@gmail.com

Best Regards,

A handwritten signature in black ink, appearing to read "Gary Eli Jones", with a long horizontal flourish extending to the right.

Gary Eli Jones, P.E.
Member



02/25/2022

**FINAL BILLS PAID AFFIDAVIT
AND WAIVER OF LIEN**

STATE OF TEXAS
COUNTY OF Travis

Date: 02.18.2022

Developer: Crystal Falls Professional Developers, LLC

Contractor/Material
Provider ("Affiant"): CADRE Construction

Project: Crystal Falls Temporary Facility - PICP Improvements

This is to acknowledge and certify that Affiant has completed the construction of all improvements for the project noted above and that Affiant has been paid in full for all labor and material provided to the above-noted construction project, except for retainage, and acknowledges and certifies that Affiant, and all of his or its agents, employees, successors, assigns, subsidiaries, and legal representatives will and do release and waive all Mechanic's liens, or similar lien rights, which have or might arise as a result of the Affiant's or Affiant's agents' or employees' providing labor and materials to the above-noted project. Affiant understands that a portion or all of the property upon which the project is located has been or will be accepted by the City of Leander, Texas, for ownership, maintenance, and operation. Affiant further agrees that it shall look solely to the Developer for payment of the retainage and shall have no cause of action whatsoever, against the City in the event that the retainage is not paid to the Affiant, and that Affiant shall not file a lien of any kind which has or may arise related to the release of the retainage for the project. Affiant acknowledges and understands that the City is relying on the representations made in this document to accept the phase or portion of the subdivision in which the project is located.

In addition to the foregoing, Affiant acknowledges and certifies that Affiant has paid all laborers, subcontractors, materialmen, and all other persons or parties who have provided labor or materials through, for, or on behalf of the Affiant to the above-noted construction project.

Affiant indemnifies and holds Owner harmless from any liens, debts or obligations which arise as a result of labor or materials provided by or through Affiant to the project through the date set out above. Affiant further indemnifies and holds harmless all real property on which the improvements were constructed and all interests in such property, including leasehold interests, from any liens, debts, or obligations arising from any labor or materials provided by or through Affiant to the project through the date set out above.

SUBSCRIBED AND SWORN TO BY Affiant on this 18 day of February, 2022.

Initialed: CD

AFFIANT:

Signature: _____ 

Typed Name: Charbel Dahdah

Title: CEO - Director of Construction

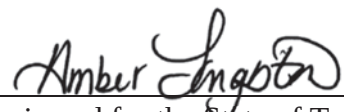
STATE OF TEXAS
COUNTY OF Travis

BEFORE ME the undersigned authority on this day personally appeared Charbel Dahdah, known to me to be the person noted above, and acknowledged to me the following: that he/she executed the foregoing for the purpose and consideration therein expressed, in the capacity therein stated, and as the duly authorized act and deed of the party releasing and waiving the lien therein; and that every statement therein is within his/her knowledge and is true and correct.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 18th day of February, 2022

[S E A L]




Notary in and for the State of Texas

Name: Amber Langston

My commission expires: 02/26/2024

Initialed: _____



EXECUTIVE SUMMARY
03/03/2022

AGENDA SUBJECT:

Conduct the Second Public Hearing on the City of Leander's Juvenile Curfew Ordinance, Article 8.02, Division 2 of the Leander Code of Ordinances to determine the need to continue the ordinance.

- Discuss and consider action on renewing the City of Leander's Juvenile Curfew Ordinance, Article 8.02 of the Leander Code of Ordinances for a term of three (3) years currently expiring in March 2022.

BACKGROUND:

On March 17, 2016, the City Council adopted Ordinance No-16-024-00 amending Chapter 8, Article 8.02 and continued the juvenile curfew regulations. Texas Local Government Code Section 370.002 requires the governing body of a home-rule municipality to review a juvenile curfew ordinance at least every three (3) years; and to conduct public hearings to review the juvenile curfew ordinance's effects on the community and on the problems the juvenile curfew ordinance was intended to remedy. After conducting the public hearings required by Texas Local Government Code Section 370.002(a)(2), the City Council should make a determination if it would be in the best interest of the community to readopt and continue, abolish, or modify the juvenile curfew ordinance.

PRESENTER:

Greg Minton, Police Chief

Attachments

1. Draft Ordinance
2. Ordinance No. 16-024-00
3. 2022 Comparison Cities with Curfews
4. Leander Curfew FAQ
5. Juvenile Contact & Dispositions Info

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, CONTINUING THE CURRENT JUVENILE CURFEW REGULATIONS CONTAINED IN THE LEANDER CODE OF ORDINANCES, CHAPTER 8, ARTICLE 8.02, DIVISION 2 “CURFEW”; AND PROVIDING OPEN MEETINGS, SEVERABILITY AND RELATED CLAUSES.

WHEREAS, the City Council of the City of Leander, Texas (the “City”), is required by Section 370.002, Texas Local Government Code, to review and hold public hearings on the City’s juvenile curfew regulations before the third anniversary of their prior adoption or continuation;

WHEREAS, the City Council last reviewed and continued its juvenile curfew regulations on February 21, 2019 by adopting Ordinance No. 19-014-00;

WHEREAS, the City Council conducted public hearings at which the public was given an opportunity to comment on the need to continue the City’s juvenile curfew ordinance;

WHEREAS, the City Council has reviewed the City’s juvenile curfew ordinance’s effect on the community and on problems the ordinance was intended to remedy; and

WHEREAS, the City Council hereby finds and determines that the continuation of a juvenile curfew is necessary to provide for the protection of minors from each other and from other persons, for the enforcement of parental control over and responsibility for children, for the protection of the general public, and for the reduction of the incidence of juvenile violence and criminal activity;

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

Section 1. Adoption of Findings of Fact. The findings and recitations set out in this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact. The City Council hereby further finds and determines that this ordinance is reasonable and necessary to protect the public health, safety and quality of life.

Section 2. Continuation of Article 8.02, Division 2 “Curfew”. Article 8.02, Division 2 “Curfew” of the City of Leander Code of Ordinances (the “Code”), as it is set forth in the Code, is hereby continued. 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 3. Severability. If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 4. 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.

Section 5. 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 this the _____ day of _____, 2022.

ATTEST:

CITY OF LEANDER, TEXAS

Dara Crabtree, City Secretary

Christine DeLisle, Mayor

ORDINANCE NO. 16-024-00

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, CONTINUING THE CITY'S JUVENILE CURFEW REGULATIONS; AND PROVIDING OPEN MEETINGS, SEVERABILITY AND RELATED CLAUSES.

WHEREAS, the City Council of the City of Leander, Texas (the "City"), is required by Section 370.002, Texas Local Government Code, to review and hold a public hearing on the City's juvenile curfew regulations before the third anniversary of their prior adoption or continuation;

WHEREAS, the City Council conducted a public hearing at which the public was given an opportunity to comment on the need to continue the City's juvenile curfew ordinance has reviewed the City's juvenile curfew regulations; and

WHEREAS, the City Council hereby finds and determines that the continuation of a juvenile curfew is necessary to provide for the protection of minors from each other and from other persons, for the enforcement of parental control over and responsibility for children, for the protection of the general public, and for the reduction of the incidence of juvenile violence and criminal activity;

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

Section 1. Adoption of Findings of Fact. The findings and recitations set out in this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact. The City Council hereby further finds and determines that this ordinance is reasonable and necessary to protect the public health, safety and quality of life.

Section 2. Continuation of Article 8.02. Article 8.02 of the City of Leander Code of Ordinances (the "Code"), as it is set forth in the Code, is hereby continued. 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.

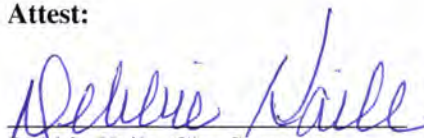
Section 3. Severability. If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 4. 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.

Section 5. 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.

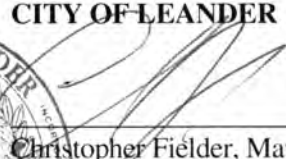
PASSED AND APPROVED on this the 17th day of March, 2016.

Attest:


Debbie Haile, City Secretary



CITY OF LEANDER


Christopher Fielder, Mayor

CITIES IN WILLIAMSON COUNTY WITH JUVENILE CURFEWS (UNDER 17 YOA)

NO DAYTIME CURFEWS



LEANDER, TX

12:01am – 6:00am MON – FRI

1:00am – 6:00am SAT— SUN

No daytime curfew



CEDAR PARK, TX

11:00pm – 6:00am SUN – FRI

1:00am – 6:00am SAT – SUN

No daytime curfew



WILLIAMSON COUNTY, TX

12:00am – 6:00am SUN – FRI

1:00am – 6:00am FRI— SAT

No daytime curfew



GEORGETOWN, TX

11:00pm – 6:00am SUN – THUR

12:00am – 6:00am FRI—SAT

No daytime curfew



LIBERTY HILL, TX

11:01pm – 6:00am SUN—FRI

12:01am – 6:00am FRI— SAT

No daytime curfew

DAYTIME CURFEWS



ROUND ROCK, TX

12:01am – 6:00am MON – FRI

1:00am – 6:00am SAT— SUN

Daytime Curfew

9:00am—2:30pm (School Days, M-F)



TAYLOR, TX

11:00pm – 6:00am SUN—THUR

12:00am – 6:00am FRI— SAT

Daytime Curfew

8:30am—11:30am / 1:15pm—3:15pm
(School Days, M-F)



HUTTO, TX

11:00pm – 6:00am SUN— THUR

12:01am – 6:00am FRI—SAT

Daytime Curfew

9:00am—2:30pm (School Days, M-F)



LEANDER POLICE DEPARTMENT

City of Leander Curfew *Frequently Asked Questions*

What time would the curfew be in effect?

- Σ 12:01 a.m. until 6:00 a.m. on any Monday, Tuesday, Wednesday, Thursday, or Friday;
- Σ 1:00 a.m. until 6:00 a.m. on any Saturday or Sunday.
- Σ

What age applies to the curfew?

- Σ Any person under 17 years of age not including those individuals under 17 years of age who have, in accordance with Chapter 31, Texas Family Code, had the general disabilities of minority removed.

What are the exemptions to the curfew?

- Σ Accompanied by the minor's parent or guardian;
- Σ On an errand at the direction of the minor's parent or guardian, without any detour or stop;
- Σ In a motor vehicle involved in interstate travel;
- Σ Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- Σ Involved in an emergency;
- Σ On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
- Σ Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city, Leander Independent School District, a civic organization, church or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city, Leander Independent School District, church, a civic organization, or another similar entity that takes responsibility for the minor;
- Σ Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly;
- Σ Married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code; or
- Σ Under Section 8.02.032(c) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

What happened if I violate the curfew?

If you are a minor:

- Σ You may be detained by a law enforcement officer;
- Σ Your parents and/or legal guardian may be required to respond and take custody of you;
- Σ You may be issued a citation that requires your appearance in the Municipal Court;
- Σ When making your court appearance, your parents or guardian must come with you;
- Σ If found guilty, the Judge may impose a fine, probation or community service.

If you are a parent or guardian:

- Σ You may be detained by a law enforcement officer;
- Σ You will be required to respond and take custody of your child;
- Σ If you allowed your child to violate the curfew, you may be issued a citation that requires your appearance in the Municipal Court;
- Σ If found guilty, the Judge may impose a fine, probation or community service.

Before taking any enforcement action under this article, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this article unless the officer reasonably believes that an offense has occurred and that no defense in Section 8.02.033 is present.

Sec. 8.02.035 Penalties

(a) A person who violates a provision of this article is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine in accordance with the general penalty provision found in Section 1.01.009 of this code.

(b) When required by Section 51.08 of the Texas Family Code, as amended, the municipal court shall waive original jurisdiction over a minor who violates Section 8.02.032(a) of this article and shall refer the minor to juvenile court.



The information below was collected from the Leander Municipal Court and the Leander Police Department citation database on all juvenile curfew violations from 03/01/19—01/01/22

TOTAL CONTACTS

YEAR	TOTAL
2019	41
2020	42
2021	15
TOTAL	98

DISPOSITIONS BY YEAR

YEAR	CITATION	WARNING
2019	18	23
2020	19	23
2021	0	15
TOTAL	37	61

TIME OF CONTACT

TIMES	CONTACT
MID—1AM	23
1AM-2AM	11
2AM-3AM	29
3AM-4AM	22
4AM-5AM	12
5AM-6AM	1

AGE OF VIOLATOR

AGE	CITATION	WARNING
8	0	1
13	0	5
14	8	12
15	15	16
16	14	27

DISPOSITION OF CITATION AT THE LEANDER MUNICIPAL COURT

CITATIONS	DISPOSITION OF CITATION
2	DID NOT SHOW UP TO COURT / FAILED TO APPEAR
5	DISMISSED
7	DEFERRED - Paid Fine, Did not want to do Community Service Hours
8	NON-DEFERRED—Paid Fine, Did not want Deferral or do the Community Service Hours
15	DEFERRED—No Fine, did deferral and completed Community Service Hours



EXECUTIVE SUMMARY
03/03/2022

AGENDA SUBJECT:

Conduct a Public Hearing regarding Special Use Case 21-SU-004 to allow for a food truck park including minor waivers to the Composite Zoning Ordinance on one (1) parcel of land approximately 0.9373 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R035579; and addressed as 1006 Los Vista Drive, Leander, Williamson County, Texas.

- Discuss and consider action regarding Special Use Case 21-SU-004 as described above.

BACKGROUND:

This request is the second step in the special use permit process. The Planning & Zoning Commission recommended approval of the special use permit with the following condition during the January 13, 2022 meeting:

1. Update the conditions to restrict the hours of operation to only allow patrons between the hours of 10:00 a.m. and 10:00 p.m.

The Commission recommended approval with a 5 to 1 vote (Hampton opposed). Commissioner Hampton opposed the request because he did not agree with the time restrictions.

HISTORY/TIMELINE:

01/13/2022 - Planning & Zoning Commission, 1st Public Hearing

02/03/2022 - City Council, 2nd Public Hearing – Postponed due to inclement weather

APPLICANT/AGENT:

Funk Breaxs, LLC (Wade & Jack Funk)

RECOMMENDATION:

This zoning request was postponed from February 3, 2022 to March 3, 2022 due to a meeting cancellation caused by inclement weather. New public notifications were posted in the newspaper and sent to property owners within two hundred (200') feet of the request.

PRESENTER:

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

Attachments

1. Planning Analysis
2. Current Zoning Map
3. Future Land Use Map
4. Public Notice Map
5. Aerial Map
6. Letter of Intent
7. Conceptual Site Layout
8. Neighborhood Outreach Summary

9. Ordinance

10. P&Z Minutes



PLANNING ANALYSIS

SPECIAL USE PERMIT CASE 21-SU-004
LEANDER TRUCKING COMPANY
1006 LOS VISTA DRIVE

GENERAL INFORMATION

Owner/Agent: Funk Group, LLC (Wade Funk) on behalf of Darius Samani.

Current Zoning: GC-3-C (General Commercial)

Proposed Use: Applicant is requesting a special use permit to allow for a food truck park.

Size and Location: The property is located at 1006 Los Vista Drive and is approximately .94 acres.

Staff Contact: Cory Dale
Planner

APPLICANT REQUEST

Applicant is requesting a Special Use Permit to allow for a food truck park. This request includes waivers to the ordinance requirements do to the temporary nature of the use.

STAFF CONCLUSIONS

Y N

- ☒ ☐ Does the proposal comply with the intent statements of the Composite Zoning Ordinance? *see page 2*
- ☒ ☐ Does the proposal comply with the goal statements of the Comprehensive Plan? *see page 3*
- ☒ ☐ Does the proposal warrant any other special considerations?

SPECIAL CONSIDERATIONS

Uses permitted in a zoning district are classified in two ways. The first type of use is what is referred to as a use permitted by right. A use permitted by right is allowed in the specified zoning district provided that the property owner complies with specified building and site requirements. The second type of use is what is referred to as a special use. A Special Use Permit allows for certain land uses in a given zoning district and generally requires more review by the Planning and Zoning Commission and City Council in order to ensure the compatibility of the proposed use with the surrounding land uses. In this case, a food truck park is not currently a permitted use. This use is considered temporary and the applicant is proposing temporary improvements for the development. The following waivers are included:

1. Alternative materials including gravel or crushed granite may be used for the parking area.
2. Food trucks and a pavilion are allowed as temporary uses.
3. The required sidewalk along Los Vista may be delayed as part of the Special Use Permit. The sidewalk shall be constructed at the time of site development for the permanent use.
4. The masonry wall required between this property and the adjacent residential property to the east shall be waived. This wall shall be constructed at the time of site development for the permanent use.
5. The setbacks associated with LC-2-B shall apply to the structures and parking.
6. Setback landscaping shall not be required. This landscaping shall be installed at the time of site development for the permanent use.

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

	ZONING	LAND USE
NORTH	LC-2-B GC-3-C	Undeveloped Undeveloped
EAST	SFU MH-2-B	Residential Home (High Chaparral Subdivision)
SOUTH	GC-3-C	Undeveloped
WEST	SFU-2-B	Residential (Mason Creek Subdivision)

SURROUNDING AREA:

This property is located at the intersection of S Bagdad Street and Los Vista Drive.

PHYSICAL AND NATURAL FEATURES:

This property is located partially within the floodplain and contains scattered trees across the lot.

MAJOR CORRIDORS:

This property has access onto Los Vista Drive and frontage along Bagdad Road.

SUBDIVISIONS:

This tract has been platted as part of the High Chaparral Subdivision (Lot 13, Block 6).

EXISTING UTILITIES:

This tract has access to both sewer and water lines in Bagdad Road and Los Vista Drive ROWs.

CURRENT LAND USES:

This property is currently undeveloped.

PROPOSED ZONING DISTRICT:**USE COMPONENT****GC – GENERAL COMMERCIAL:**

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

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

SITE COMPONENT**TYPE 3:**

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

Intent:

- (1) A Type 3 site component is intended to be utilized with LO and LC use components where adjacent to less restricted districts to provide for a land use transition.
- (2) This component is intended to be utilized with residential components where accessory dwellings or additional accessory structures are appropriate and are not provided for in the Type 1 or 2 site components.
- (3) This component is intended to be combined with LO, LC, GC, HC and HI components where it is appropriate to utilize the outdoor site area for outdoor fuel sales, limited outdoor display and storage or accessory buildings.

- (4) Compliance with Type 1 or 2 standards shall also be deemed as compliance with this component.

ARCHITECTURAL COMPONENT

TYPE C (non-residential only):

Features: 3 or more architectural features.

Intent:

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

COMPREHENSIVE PLAN:

Applicable Comprehensive Plan goal statements

- Guide future growth and development following the comprehensive plan to achieve a more balanced, diverse economy.
- Provide new Commercial development opportunity;

Applicable Future Land Use categories

MULTI-USE CORRIDOR

- The Multi-Use Corridor future development category is intended for mixed-use areas to be developed at a higher density/intensity and with uses not primarily supported in Neighborhood Residential. These areas are intended to provide for a mix of both commercial and residential uses that are not integrated into neighborhoods but maintain a seamless, compatible transition between residential and commercial uses.

Multi-Use Corridors are not intended for strip commercial nor are they expected to be predominantly commercial. These corridors have been identified as opportunity areas for businesses and daily services, high-intensity residential such as townhouses, civic and employment uses, but also traditional single-family neighborhoods where streets access these corridors.

These areas are intended to be developed with an auto-oriented character, which means vehicles and parking areas are a primary visual characteristic from the street. Access management is recommended to maintain safe traffic movement along these streets. Appropriate buffer yards are required to ensure compatibility with adjacent Neighborhood Residential.

DESIRED MIX: 40-60% Non-Residential, 0-40% Residential

ALLOWED USES: SFT, TF, CH LO, LC, GC (Priority Corridors*), PUD

INTERGOVERNMENTAL/INTERDEPARTMENTAL REVIEW:

All applicable departments within the City of Leander reviewed this proposal. If the SUP is approved, the next step in the process would be to acquire a permit from the County Health Department and submit for site development.

SCHEDULE:

DEVELOPMENT MEETING

A development meeting was held with Staff on September 20, 2021. No changes were made to the development proposal prior to official submittal of the SUP.

NOTIFICATION

12/16/2021 - Public Notice on Hill Country News

12/22/2021 - Mail Notification to Property Owners within 200'

12/22/2021 - Public Hearing Signage Posted on Property

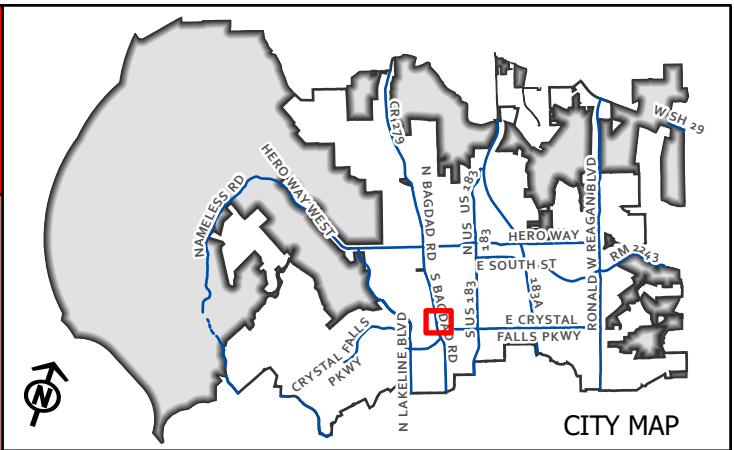
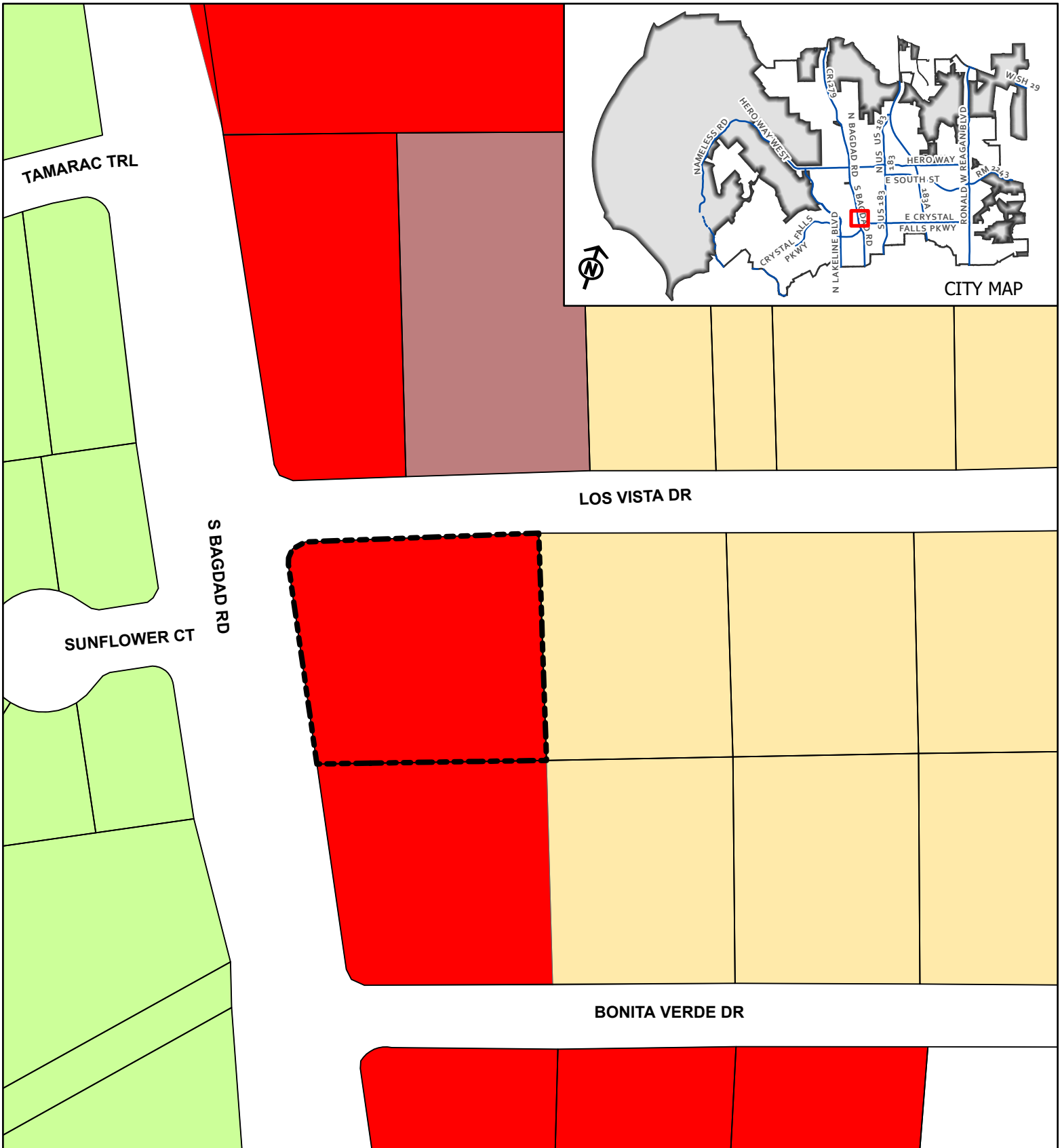
1/13/2022 - Planning and Zoning Commission Public Hearing
2/03/2022 - City Council Public Hearing & First Reading of the Ordinance
2/17/2022 - City Council Second & Final Reading of the Ordinance

PUBLIC NOTIFICATION:

Notices were mailed by City staff to all property owners within 200 feet. Neighborhood outreach information per applicant within packet as attachment 8.

APPROVAL CRITERIA:

This request is consistent with the future land use map designation of Mixed-Use Corridor and the proposed food truck park and pavilion would be compatible with the surrounding land uses, encourage walkability and add a gathering space for the public.



CASE: 21-SU-004

ATTACHMENT #2

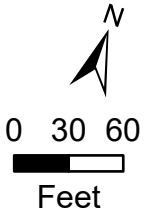
Leander Trucking
Co Special Use Permit

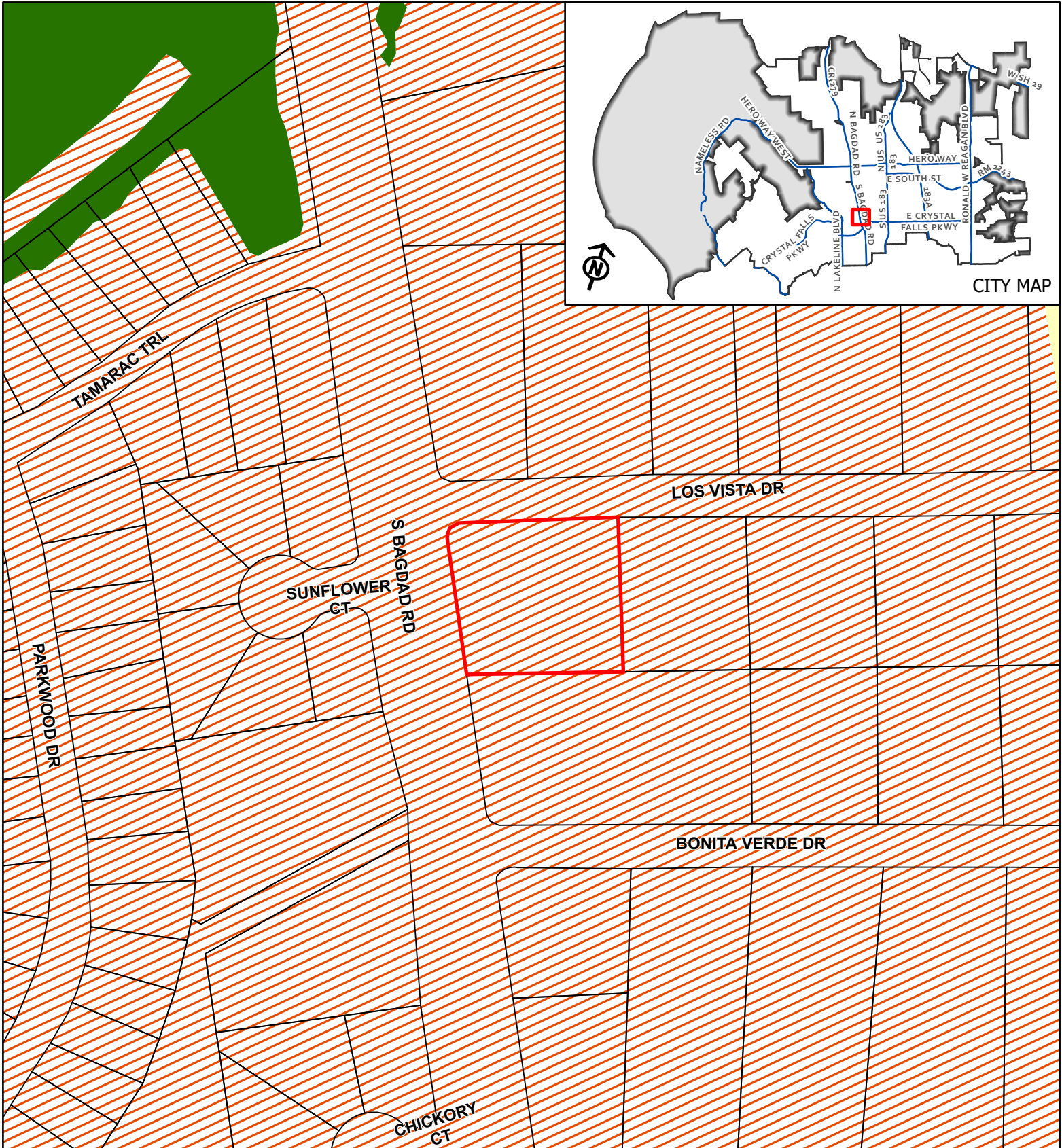
Current Zoning Map

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
- Leander ETJ
- Subject Area
- SFU - Single-Family Urban

- SFU/MH - Single-Family Urban/Manufactured Home
- LC - Local Commercial
- GC - General Commercial





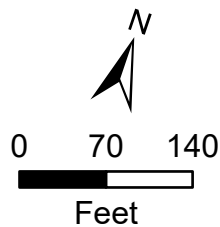
CASE: 21-SU-004

ATTACHMENT #3

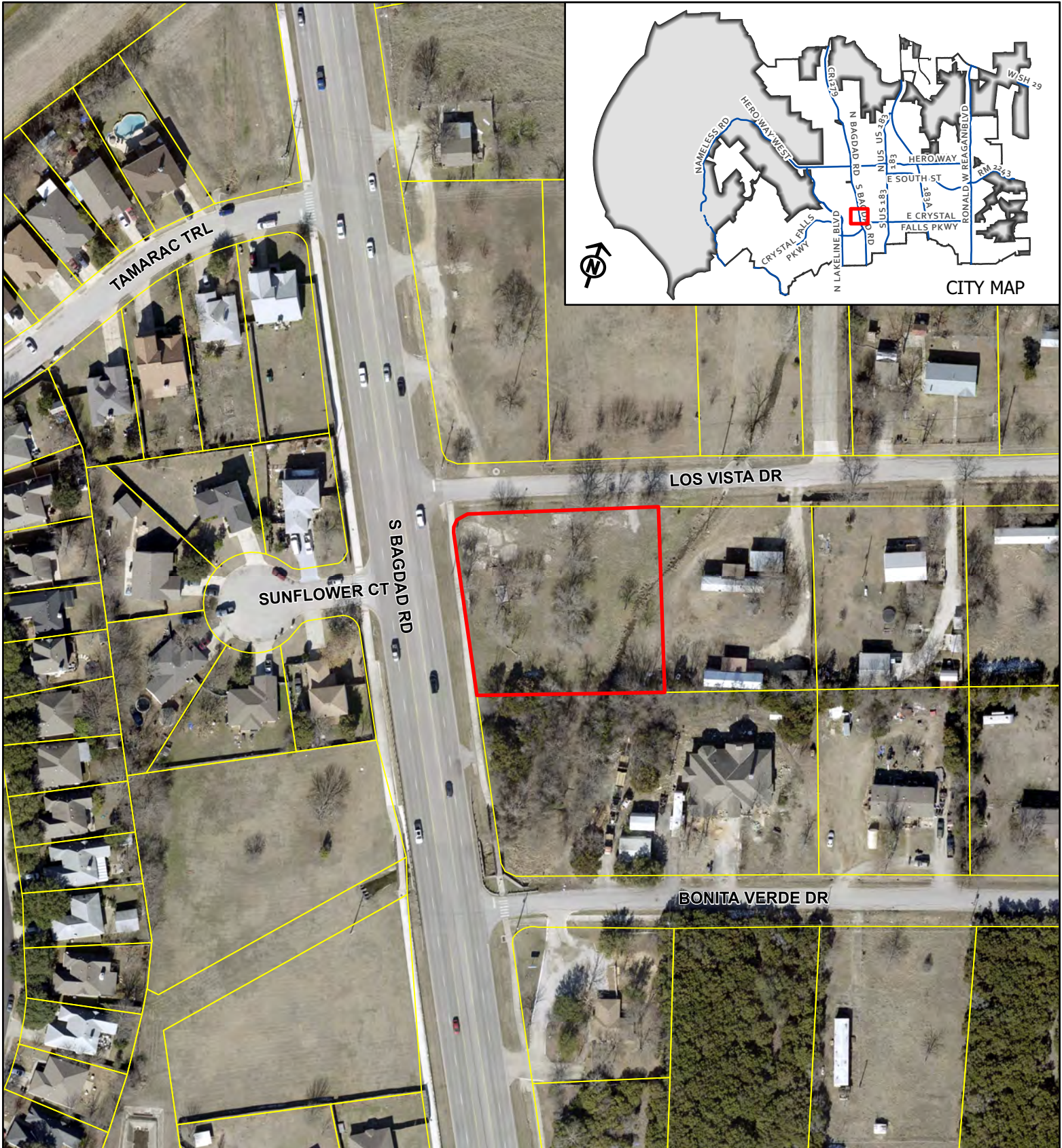
Leander Trucking
Co Special Use Permit

Future Land Use 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
- Leander ETJ
- Subject Area
- Greenway
- Multi-Use Corridor
- Neighborhood Residential



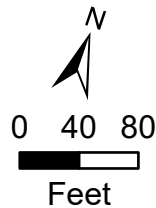
CASE: 21-SU-004

ATTACHMENT #6

Leander Trucking
Co Special Use Permit

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
- Leander ETJ
- Subject Area

Leander Trucking Co.

LOI – Explanation

Leander Trucking Co. will be a food “truck” park/facility providing a variety of food, beverage, and entertainment options.

Site preparation will consist of removing/clearing brush and hackberry trees, retaining as many as possible on north and west sides of property for shade and privacy. Two large ash trees will need to be removed for safety as they are dying/dead from the ice storm. Approximately 8,000 sq ft of impervious cover (concrete slabs and driveways) will be removed from property. After that, the site will be scraped (not graded) to smooth/clean the surface so hardwood mulch can be laid across the site for ground cover. We will separate the main property from the parking area with railroad ties for traffic control/direction.

In addition, we will have water, sewer, and electrical lines run along Los Vista and Bagdad behind the food trucks, so they can use the facilities if desired, and also to tie into the restrooms in the same area. Each food truck will be required to have an on-trailer/truck grease trap so the grey water coming from the trucks will be FOG (food oil grease) free.

A small (approx. 12'x12') pier and beam restroom facility to house 2 toilets & sinks will be placed on the northern property line along Los Vista (out of floodplain). This is also where the dumpster will be located

A 24'x48' open-air lean-to pavilion (see below) will be constructed in the middle of the property and will serve as the eating/dining area. Construction will be wood with either shingle or metal roof structure and a single gutter to direct rainwater. The posts will be concreted in the ground, but the floor will be mulch.

A 6' privacy fence will be erected around the perimeter of the property for security & safety.



Wade Funk

9/27/2021

EXHIBIT A - CONCEPTUAL SITE LAYOUT & LAND USE PLAN



This plan is conceptual and has not been reviewed for compliance with the Subdivision or Composite Zoning Ordinance. This review will be completed at the site development stage.

The ordinances have been updated to allow the following:

1. Alternative materials including gravel or crushed granite may be used for the parking area.
2. Food trucks and a pavilion are allowed as temporary uses.
3. The required sidewalk along Los Vista may be delayed as part of the special use permit. The sidewalk shall be constructed at the time of site development for the permanent use.
4. The masonry wall required between this property and the adjacent residential property to the east shall be waived. This wall shall be constructed at the time of site development for the permanent use.
5. The setbacks associated with LC-2-B shall apply to the structures and parking.
6. Setback landscaping shall not be required. This landscaping shall be installed at the time of site development for the permanent use.
7. The term of the special use permit is ten (10) years and may be renewed.

APPLICANT'S SUMMARY OF NEIGHBORHOOD COMMUNICATIONS

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.

Letters were distributed via USPS on December 13th, 2021. Jack Funk and Wade Funk drafted, printed, addressed, and stamped the envelopes with the attached letter to the addresses in the attached list/spreadsheet. In addition, a temporary sign was raised to bring awareness with our website address. Sign template attached. In addition, the web-site was shared via Facebook & Instagram which has garnered a fair bit of positive feedback from neighbors and Leander Residents.

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 the contact information used.

See attached list/spreadsheet which includes the property owners of all residential property within 500 feet as well as the Mason Creek HOA.

3. What concerns were raised during these communications?

None.

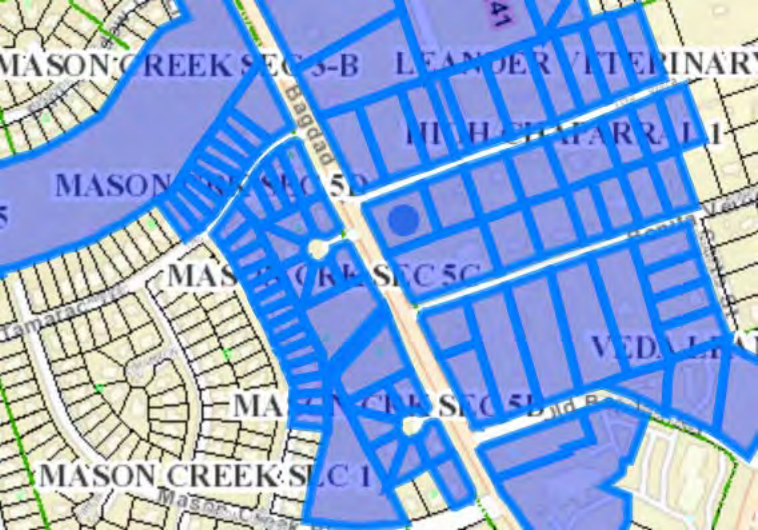
4. What specific conditions were added to or modified within the zoning request in response to the concerns raised at the meeting?

None.

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

Signature: Wade Funk Date 12/27/2021

DocuSigned by: B61E2F19A4C44BC...



Parcel Identification Number	Owner
R002436	ALEXANDER, MUTZU & BRENTLEY B
R035573	ALVARADO, ANSELMO
R094208	ARCANGELS INVESTMENTS LLC
R002422	BROOKS, DEANNA LEE & LONDON ERIC OPHEIM II
R094749	BUBEL, CHRISTOPHER & ALISA
R002388	BURNS, JORDAN & TODD CODY
R002310	BUSBEA, RICHARD S
R094344	BUSTER, NATHAN & JENNIFER
R399011	CHESMORE, MARK WAYNE
R399010	CHOW, VIRGINIA
R002424	COX, ELAINE LORETTA
R094327	DANIELS, PETER FLOYD III & JANESEA PREAR & IRENE RUBY DANIELS
R399012	DE LA CRUZ, WENDY JANET
R370943	Rupertor Melchor-Torres
R094517	DURANTE, ANAI & ISAAC
R002338	ENGLISH, RICHARD A & NANCY M
R093256	GARCIA, HENRY & JENNIFER A
R002439	HICKEY, ERICKA & DEREK CHASE
R370939	HOT PROPERTY ATX LLC
R370940	LE, THINH TRONG & NGOC T TRUONG
R035585	MATTSEN, DUSTIN & RANDY S MATTSSEN
R370942	MELCHOR, MARIO
R035575	NELSON, STACY FAURIE
R002397	NERIO, FRANK C & KORINA N
R035582	NGUYEN, KENNY K & PHUNG T H HO
R002404	PFIESTER, KLINTON E & CHRISTY M
R035559	PUEBLA, FRANCISCO
R092305	RANGEL, MANUEL & MARIA
R002440	RAY, CRISTIN & WESLEY
R002400	Resident
R096004	Ronald G Greening (Mason Creek HOA)
R002391	SHERRY, VIRGINIA L
R035583	TEETS, BARBIE TRUSTEE OF THE WILLIAM R HURST SR REVOCABLE LIVING TRUST
R002393	WEBB, GEORGE RONALD & DEBRA A
R002368	WELDON, JACOB DEWLEY & ALEJANDRA

SiteAddress

1504 PARKWOOD DR, LEANDER, TX 78641
905 BONITA VERDE DR, LEANDER, TX 78641
1111 TAMARAC TRL, LEANDER, TX 78641
1508 PARKWOOD DR, LEANDER, TX 78641
1103 TAMARAC TRL, LEANDER, TX 78641
1520 PARKWOOD DR, LEANDER, TX 78641
1604 PARKWOOD DR, LEANDER, TX 78641
1107 TAMARAC TRL, LEANDER, TX 78641
1103 CHICKORY CT, LEANDER, TX 78641
1105 CHICKORY CT, LEANDER, TX 78641
1506 PARKWOOD DR, LEANDER, TX 78641
1109 TAMARAC TRL, LEANDER, TX 78641
1101 CHICKORY CT, LEANDER, TX 78641
1104 SUNFLOWER CT, LEANDER, TX 78641
1105 TAMARAC TRL, LEANDER, TX 78641
1602 PARKWOOD DR, LEANDER, TX 78641
1113 TAMARAC TRL, LEANDER, TX 78641
1502 PARKWOOD DR, LEANDER, TX 78641
1104 TAMARAC TRL, LEANDER, TX 78641
1106 TAMARAC TRL, LEANDER, TX 78641
902 LOS VISTA DR, LEANDER, TX 78641
1105 SUNFLOWER CT, LEANDER, TX 78641
1001 BONITA VERDE DR, LEANDER, TX 78641
1514 PARKWOOD DR, LEANDER, TX 78641
1000 LOS VISTA DR, LEANDER, TX 78641
1510 PARKWOOD DR, LEANDER, TX 78641
903 LOS VISTA DR, LEANDER, TX 78641
1203 TAMARAC TRL, LEANDER, TX 78641
1500 PARKWOOD DR, LEANDER, TX 78641
1512 PARKWOOD DR, LEANDER, TX 78641
1810 MASON CREEK BLVD, LEANDER, TX 78641
1518 PARKWOOD DR, LEANDER, TX 78641
906 LOS VISTA DR, LEANDER, TX 78641
1516 PARKWOOD DR, LEANDER, TX 78641
1600 PARKWOOD DR, LEANDER, TX 78641

Mailing Address

3702 Rip Ford Dr, Austin, TX 78732
905 BONITA VERDE DR, LEANDER, TX 78641
501 Lone Star Dr, Cedar Park, TX 78613
1508 PARKWOOD DR, LEANDER, TX 78641
1103 TAMARAC TRL, LEANDER, TX 78641
3105 Burleson Rd, Austin, TX 78741
1604 PARKWOOD DR, LEANDER, TX 78641
1107 TAMARAC TRL, LEANDER, TX 78641
1103 CHICKORY CT, LEANDER, TX 78641
1112 Middle Brooke Dr, Leander, TX 78641
8414 Priest River Dr, Round Rock, TX 78681
1109 TAMARAC TRL, LEANDER, TX 78641
1101 CHICKORY CT, LEANDER, TX 78641
1104 SUNFLOWER CT, LEANDER, TX 78641
1105 TAMARAC TRL, LEANDER, TX 78641
1602 PARKWOOD DR, LEANDER, TX 78641
1113 TAMARAC TRL, LEANDER, TX 78641
1502 PARKWOOD DR, LEANDER, TX 78641
2744 Grand Oaks Loop, Cedar Park, TX 78613
7800 Gingers Cv, Austin, TX 78759
900 Los Vista Dr, Leander, TX 78641
1105 SUNFLOWER CT, LEANDER, TX 78641
1001 BONITA VERDE DR, LEANDER, TX 78641
1514 PARKWOOD DR, LEANDER, TX 78641
708 Los Robles Dr, Leander, TX 78641
1510 PARKWOOD DR, LEANDER, TX 78641
1821 Emerald Isle Dr, Leander, TX 78641
1203 TAMARAC TRL, LEANDER, TX 78641
1500 PARKWOOD DR, LEANDER, TX 78641
1512 PARKWOOD DR, LEANDER, TX 78641
506 W. 15th St, Austin, TX 78701
1518 PARKWOOD DR, LEANDER, TX 78641
11350 Hero Way West Apt 3102, Leander, Tx
1516 PARKWOOD DR, LEANDER, TX 78641
1600 PARKWOOD DR, LEANDER, TX 78641



Dear Property Owner,

We are writing this letter to inform you of our intentions to create a food truck park comprising of approximately 6 different food trucks along with a beer and wine license at the location of 1500 S. Bagdad Road. This is the southeast corner of Bagdad Rd and Los Vista Dr. We would like to hear any feedback, interest, or questions that you might have regarding this project and look forward to offering you and your fellow citizens a fun and relaxing place to enjoy some awesome food and a drink after a long day at work.

Visit www.leandertruckingcompany.com or @leandertruckingcompany on Instagram & Facebook.

Sincerely,

Wade Funk & Jack Funk (owners)

Contact information:

Wade.Funk@Gmail.com

Phone: 512-705-9722

JackeFunk@Outlook.com

Phone: 512-632-4572

COMING SOON



Food Trucks & Drinks

www.leandertruckingco.com

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 LEANDER TRUCKING CO. SPECIAL USE PERMIT; AND INCLUDE A TEN (10) YEAR TERM ON ONE (1) PARCEL OF LAND; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.

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

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; 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 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 0.9373 acres, more or less, located in Leander, Williamson County, being more particularly described in Exhibit "A", and addressed as 1009 Los Vista Dr, more particularly described in Document Number 2021181025, Official Public Records of Williamson County, Texas, and identified by tax identification number R035579.

SECTION 4. Special Use Permit. The Special Use Permit is hereby approved to allow for the development of a food truck park with the following waivers to the ordinance as shown in Exhibit "B":

1. Alternative materials including gravel or crushed granite may be used for the parking area.
2. Food trucks and a pavilion are allowed as temporary uses.
3. The required sidewalk along Los Vista may be delayed as part of the special use permit.
4. The sidewalk shall be constructed at the time of site development for the permanent use.

5. The masonry wall required between this property and the adjacent residential property to the east shall be waived. This wall shall be constructed at the time of site development for the permanent use.
6. The setbacks associated with LC-2-B shall apply to the structures and parking.
7. Setback landscaping shall not be required. This landscaping shall be installed at the time of site development for the permanent use.

The term of the special use permit is ten (10) years. At the end of this term, the applicant has the ability to request an extension of the term.

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

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

PASSED AND APPROVED on First Reading this the 3rd day of March, 2022.
FINALLY PASSED AND APPROVED on this the 17th day of March, 2022.

ATTEST:

THE CITY OF LEANDER, TEXAS

Dara Crabtree, City Secretary

Christine Delisle, Mayor



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

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

January 13, 2022 at 7:00 PM



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

Place 5 – Gary Hampton, Jr.
Place 6 – Laura Lantrip
Place 7 – Rick Carpenter

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

1. Call to Order at 7:00 pm.
2. Roll Call.
All Commissioners were present except Commissioner Cosgrove.
3. Director's report to the Planning & Zoning Commission on actions taken by the City Council at the January 6, 2022 meeting.
4. Review of meeting protocol.
5. Citizen Comments: Three (3) minutes allowed per speaker.
No one wished to speak.

CONSENT AGENDA: ACTION

6. Approval of the submittal schedule for Subdivision, Site Development Applications, and Dry Utility Applications pursuant to Article IX, Section 9 (a) (1) b. of the Composite Zoning Ordinance and Article II, Section 20 (e) of the Subdivision Ordinance; Leander, Williamson & Travis Counties, Texas.
7. Approval of Minutes.

Motion made by Commissioner May to approve the consent agenda and seconded by Commissioner Hampton.

Vote 6 - 0 Passed.

PUBLIC HEARING: ACTION

8. Conduct a Public Hearing and consider action on Subdivision Case 21-TOD-SFP-012 and Variance Case 21-V-004 to approve the Pointe 183 Short Form Final Plat and Variance on one parcel of land approximately 22.25 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R032233; generally located between US 183 and 183A Toll Road to the south of CR 276, Leander, Williamson County, Texas.

- Discuss and consider action on Subdivision Case 21-SFP-012 and 21-V-004 as described above.

Motion made by Commissioner Laura Lantrip, seconded by Commissioner Rick Carpenter to approve the Short Form Final Plat and Variance with staff recommendations.

AYE: Commissioner Deirdre Moss, Commissioner Laura Lantrip, Commissioner Rick Carpenter, Commissioner Gary Hampton, Jr., Commissioner Ron May, Vice Chair Donnie Mahan

6 - 0 Passed

9. Conduct a Public Hearing regarding Special Use Case 21-SU-004 to consider action on a Special Use Permit to allow for a Food Truck Park including minor waivers to the Composite Zoning Ordinance on one parcel of land approximately 0.9373 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R035579; and addressed as 1006 Los Vista Dr., Leander, Williamson County, Texas.

- Discuss and consider action regarding Special Use Permit Case 21-SU-004 as described above.

Motion made by Commissioner Rick Carpenter, seconded by Commissioner Laura Lantrip to approve the special use permit with the following condition:

1. Update the conditions to restrict the hours of operation to only allow patrons between the hours of 10:00 a.m and 10:00 p.m.

AYE: Commissioner Deirdre Moss, Commissioner Laura Lantrip, Commissioner Rick Carpenter, Commissioner Ron May, Vice Chair Donnie Mahan

NAY: Commissioner Gary Hampton, Jr.

5 - 1 Passed

AYE: Commissioner Deirdre Moss, Commissioner Laura Lantrip, Commissioner Rick Carpenter, Commissioner Gary Hampton, Jr., Commissioner Ron May, Vice Chair Donnie Mahan

6 - 0 Passed

10. Conduct a Public Hearing and consider action regarding Zoning Case 21-Z-039 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to HC-4-D (Heavy Commercial) on one parcel of land approximately 4.95 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R031285; and more commonly known as 2999 Hero Way West, Leander, Williamson County, Texas.

- Discuss and consider action regarding Zoning Case 21-Z-039 as described above.

Motion made by Commissioner Laura Lantrip, seconded by Commissioner Deirdre Moss to approve the zoning request.

AYE: Commissioner Deirdre Moss, Commissioner Laura Lantrip, Commissioner Rick Carpenter, Commissioner Gary Hampton, Jr., Commissioner Ron May, Vice Chair Donnie Mahan

6 - 0 Passed

11. Conduct a Public Hearing and consider action regarding Comprehensive Plan Case 21-CPA-008 to adopt an updated Comprehensive Plan including the update of the future land use plan and map;
- Discuss and consider action regarding Comprehensive Plan Case 21-CPA-008 as described above.

Clifford Hall spoke against

Motion made by Commissioner Laura Lantrip, seconded by Commissioner Deirdre Moss to approve the amendments to the Comprehensive Plan and Future Land Use Map with the following conditions:

1. Update the proposed amendment to the property located to the north of FM 2243 close to the Reagan's Overlook Neighborhood to allow for the Multit-use Corridor to remain as is and only change the property to the south of FM 2243.
2. Update the area designated as Transitional Residential along Horizon Park Blvd to Neighborhood Residential per the request of the neighboring property owners.

AYE: Commissioner Deirdre Moss, Commissioner Laura Lantrip, Commissioner Rick Carpenter, Commissioner Gary Hampton, Jr., Commissioner Ron May, Vice Chair Donnie Mahan

6 - 0 Passed

REGULAR AGENDA

12. Adjournment 8:01 pm.

APPROVED:

CHAIRMAN MAY

ATTEST:

ELLEN COUFAL
PLANNING & ZONING COMMISSION SECRETARY



EXECUTIVE SUMMARY
03/03/2022

AGENDA SUBJECT:

Conduct a Public Hearing regarding Zoning Case 21-Z-039 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to HC-4-D (Heavy Commercial) on one (1) parcel of land approximately 4.95 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R031285; and more commonly known as 2999 Hero Way West, Leander, Williamson County, Texas.

- Discuss and consider action regarding Zoning Case 21-Z-039 as described above.

BACKGROUND:

This request is the second step in the zoning process. The Planning & Zoning Commission unanimously recommended approval of the request during the January 13, 2022 meeting.

HISTORY/TIMELINE:

10/20/2010 - Property Annexation

01/13/2022 - Planning & Zoning Commission, 1st Public Hearing

02/03/2022 – City Council, 2nd Public Hearing – Postponed due to inclement weather

APPLICANT/AGENT:

Southwest Land Services, Inc (David Singleton) on behalf of Jerry & Jan Wayne Droptini

RECOMMENDATION:

This zoning request was postponed from February 3, 2022 to March 3, 2022 due to a meeting cancellation caused by inclement weather. New public notifications were posted in the newspaper and sent to property owners within two hundred (200') feet of the request.

PRESENTER:

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

Attachments

1. Planning Analysis
2. Current Zoning Map
3. Future Land Use Map
4. Public Notice Map
5. Proposed Zoning Map
6. Aerial Map
7. Letter of Intent
8. Neighborhood Outreach Summary
9. Ordinance
10. P&Z Minutes



PLANNING ANALYSIS

ZONING CASE 21-Z-039
DROPTINI
2999 HERO WAY

GENERAL INFORMATION

Owner/Agent: Southwest Land Services, Inc (David Singleton) on behalf of Jerry & Jan Wayne Droptini.

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

Proposed Zoning: HC-4-D (Heavy Commercial)

Size and Location: Approximately 4.95 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R031285; and more commonly known as 2999 Hero Way West, Leander, Williamson County, Texas.

Staff Contact: Justin Hunt
Planner

APPLICANT REQUEST

The applicant has submitted a request to change the designated zoning district of their property in order to facilitate appropriate commercial uses consistent with existing adjacent uses.

STAFF CONCLUSIONS

Y N

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

SITE INFORMATION:

ABUTTING ZONING AND LAND USE:

	ZONING	LAND USE
NORTH	Interim SFR-1-B HC-4-C	Residential- Undeveloped Commercial- Undeveloped
EAST	Interim SFR-1-B	Residential- Undeveloped
SOUTH	Interim SFR-1-B	Residential- Single-Family Residence
WEST	HI-5-D	Liberty Civil

SURROUNDING AREA:

This property is located to the west of Liberty Civil site and surrounded by undeveloped land. Most of the adjacent parcels are single-family zonings and uses. There is a parcel to the north that is zoned for commercial uses, but is also undeveloped.

PHYSICAL AND NATURAL FEATURES:

This property contains is relatively flat with little slope and contains trees at the north of the property around the current home.

PROPERTY HISTORY:

This property was annexed into the City of Leander on 10/20/2010.

MAJOR CORRIDORS:

This property has access onto Hero Way and the future extension of Raider Way.

TRANSPORTATION PLAN REQUIREMENTS:

This property includes Hero Way as an access controlled arterial with future expansion plans managed and controlled by Williamson County and TxDOT. Future Raider Way Improvements will also be associated with this development. This will be city owned and be classified as a collector.

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
Hero Way	Arterial	Access Controlled- Future Hwy expansion	400' ROW 10' sidewalk
Raider Way	Collector	Future Expansion Per the TMP.	74' ROW 6' sidewalk

EXISTING UTILITIES:

This property has access to a 12" waterline along the north side of Hero Way and an 8" wastewater line along the eastern most side of the property.

CURRENT LAND USES:

This property is currently being used as single-family residence with multiple accessory buildings.

PROPOSED ZONING DISTRICT:**USE COMPONENT****HC – HEAVY COMMERCIAL:**

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

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

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

Features: Accessory buildings up to 60% 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 D (non-residential only):

Features: 2 or more architectural features.

Intent:

- (1) This architectural component is intended only for industrial warehouse, heavy commercial service and other similar applications and shall be utilized only with GC, HC or HI use components.
- (2) This component is not intended to be utilized with the majority of GC districts.
- (3) This component is not intended for retail or office development or adjacent to residential neighborhoods where not adequately buffered from residential uses.
- (4) This site component is discouraged along major thoroughfares and is intended to be utilized within industrial park development.

COMPREHENSIVE PLAN:

Applicable Comprehensive Plan goal statements

- Facilitate quality commercial development through targeted marketing and a commitment by the City to help businesses grow and expand.

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: 80-100% Non-Residential, 0-20% 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 October 18, 2021. No changes were 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

12/10/2021 - Public Notice on Hill Country News
12/16/2021 - Mail Notification to Property Owners within 200'
12/16/2021 - Public Hearing Signage Posted on Property
01/13/2021 - Planning and Zoning Commission Public Hearing
02/03/2021 - City Council Public Hearing & First Reading of the Ordinance
02/17/2021 - City Council Second & Final Reading of the Ordinance

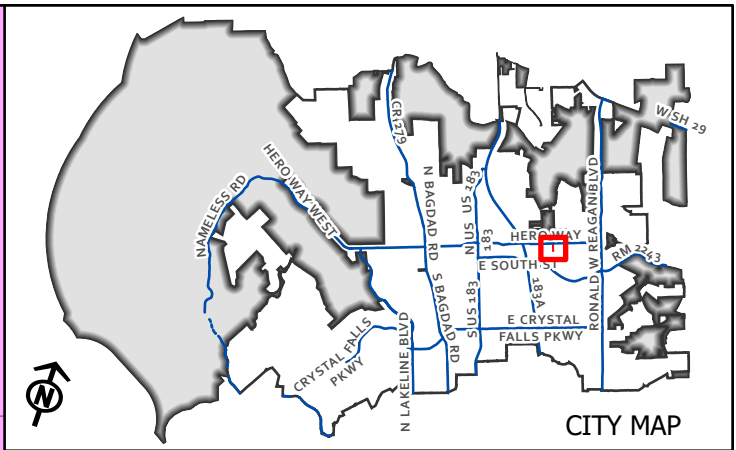
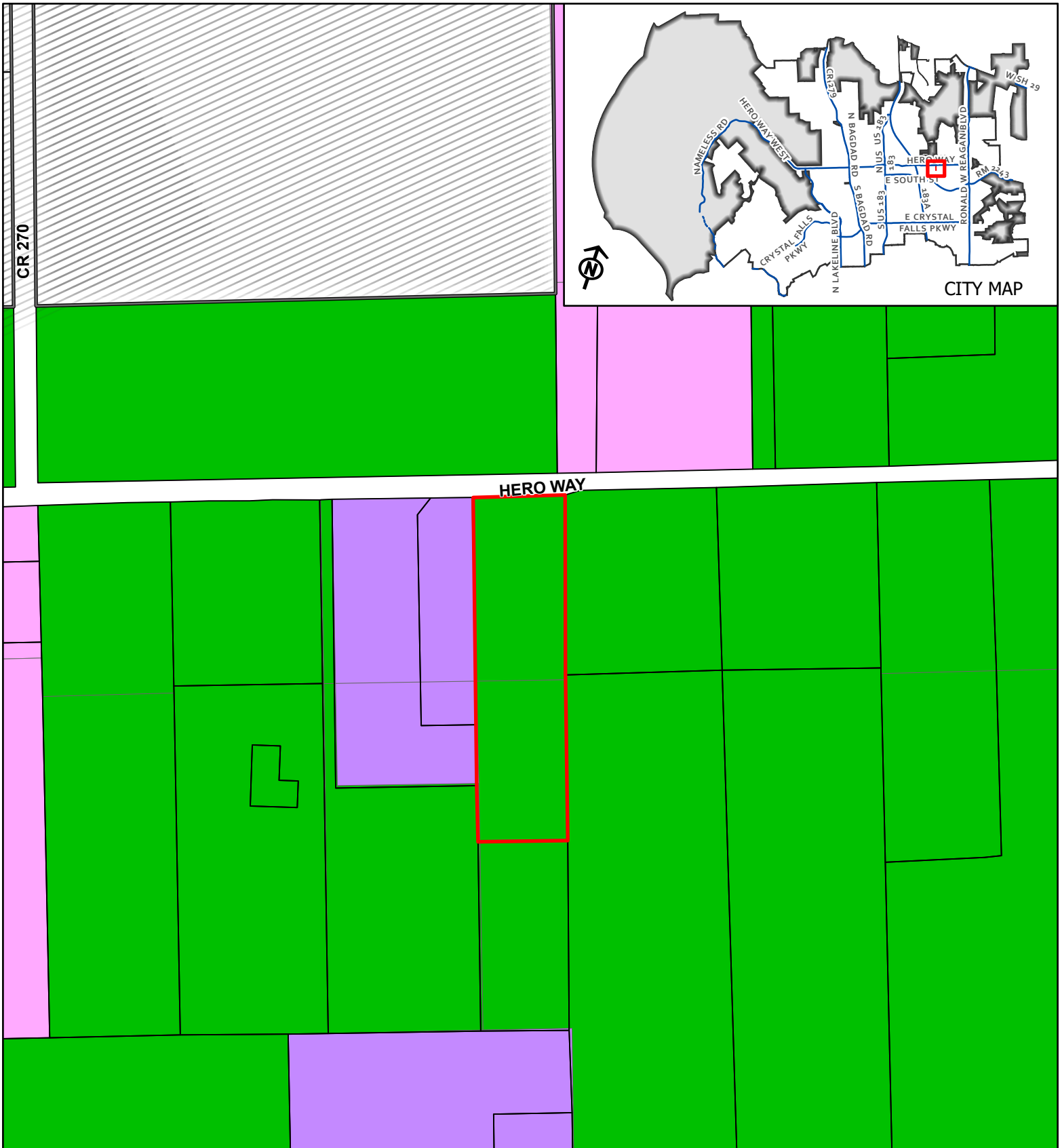
PUBLIC NOTIFICATION:

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.

The applicant did not receive any responses from the neighboring property owners. Please see the full report from the applicant attached.

APPROVAL CRITERIA:

This zoning request is consistent with the future land use map category of Employment Center and is compatible with the surrounding land uses.



CASE: 21-Z-039

ATTACHMENT #2

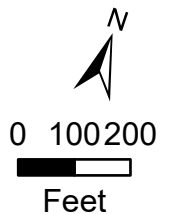
Droptini Zoning

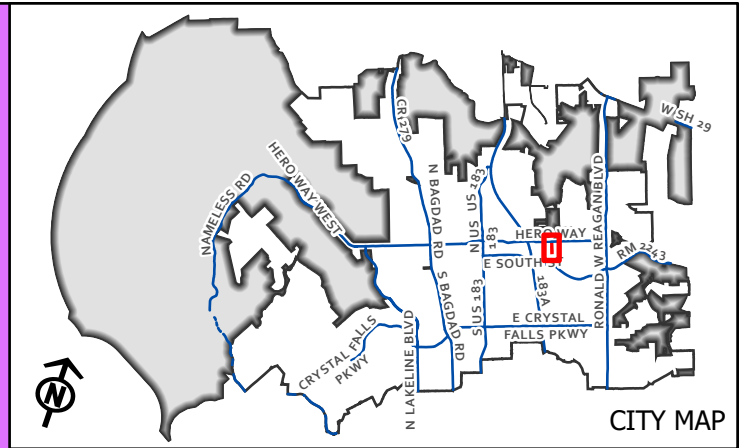
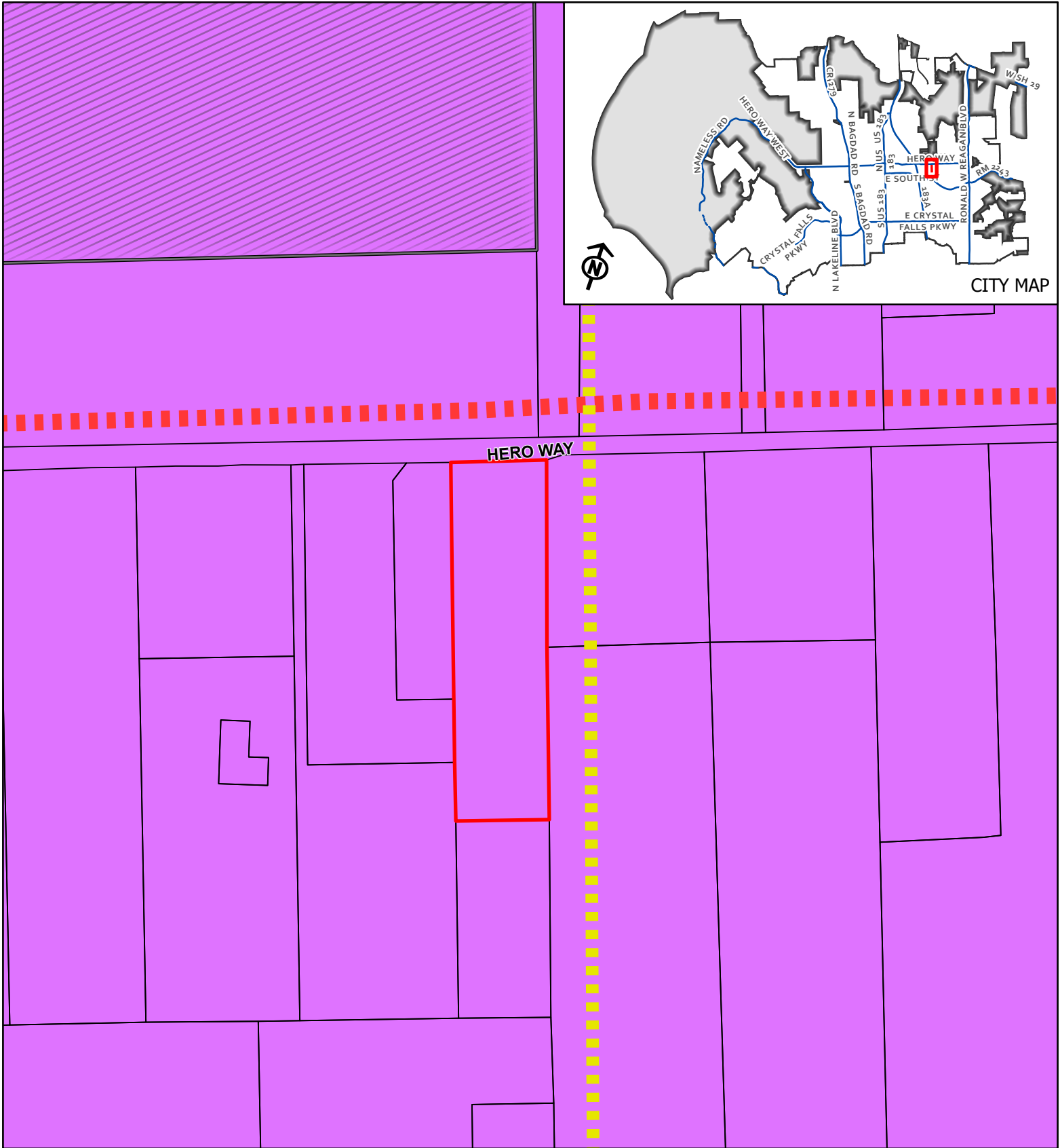
Current Zoning Map

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
-  Leander ETJ
-  Subject Area

-  SFR - Single-Family Rural
-  HC - Heavy Commercial
-  HI - Heavy Industrial





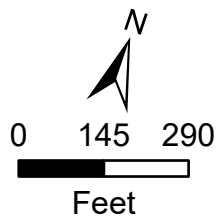
CASE: 21-Z-039

ATTACHMENT #3

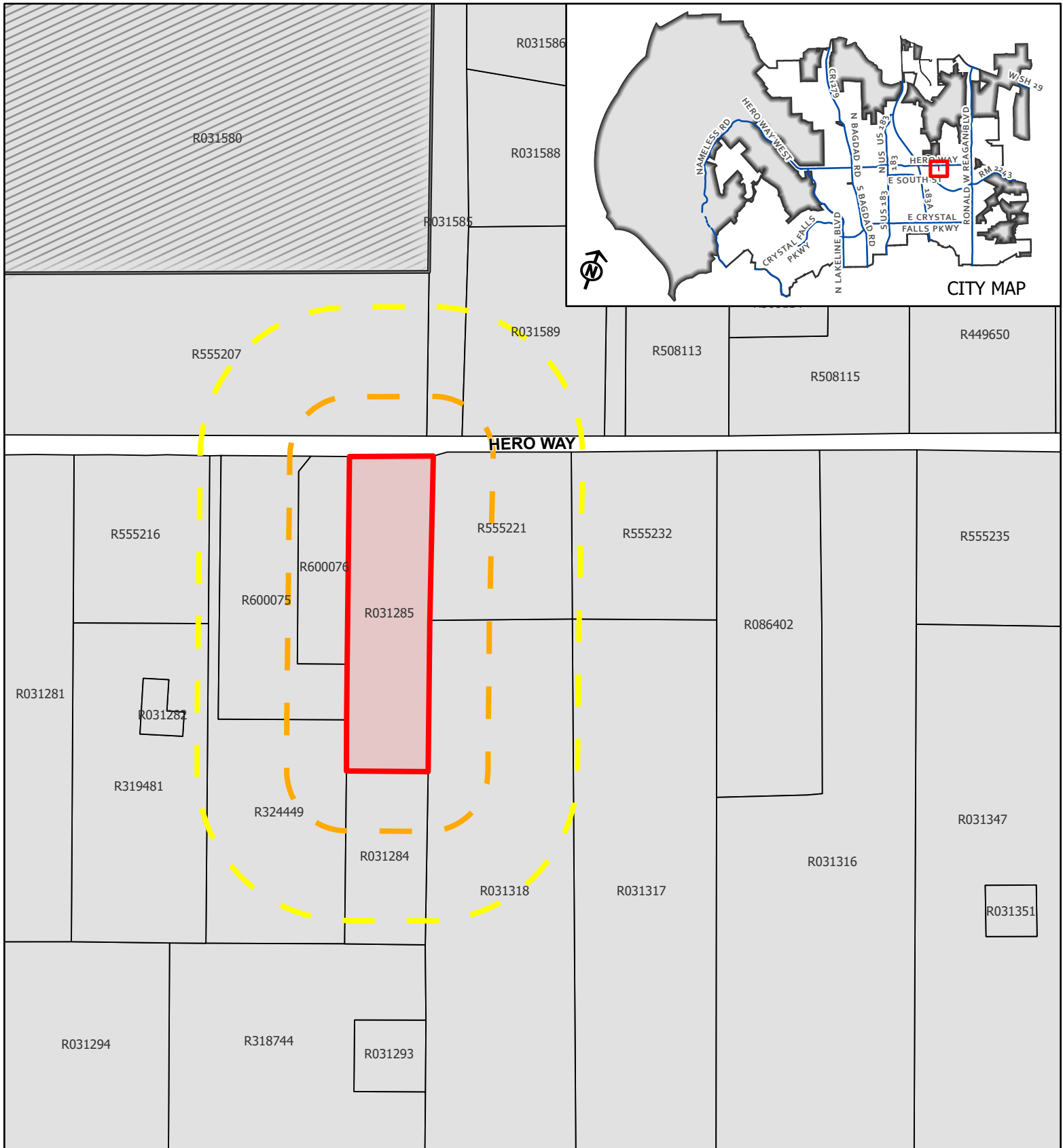
DROPTINI ZONING

Future Land Use 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
- Leander ETJ
- Subject Area
- Employment Center
- Access Controlled, Proposed
- Collector, Proposed



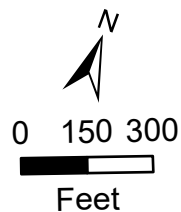
CASE: 21-Z-039

ATTACHMENT #4

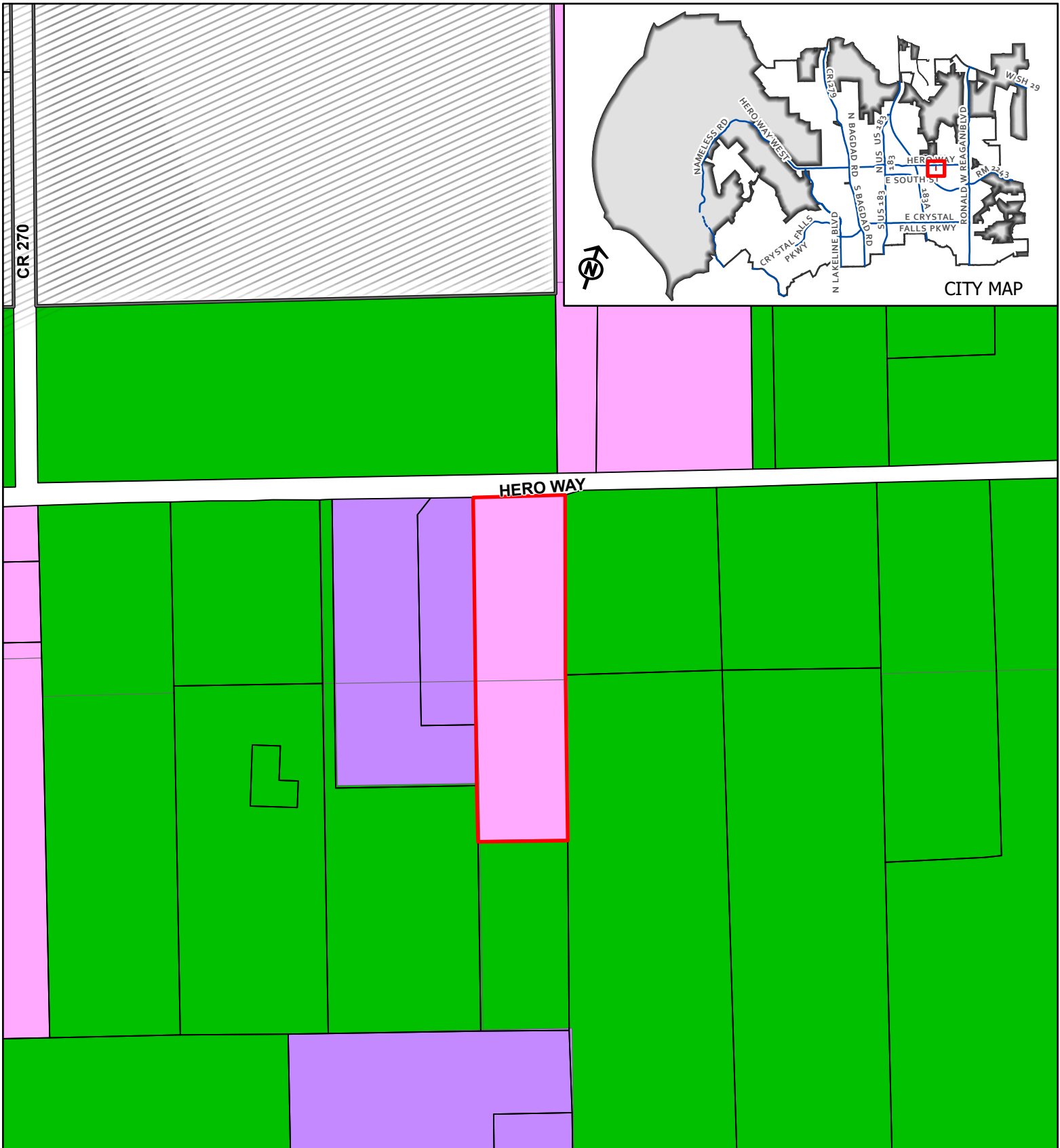
Droptini Zoning

Public Notification 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.



- Subject Area
- 200' Buffer
- 500' Buffer
- Leander City Limits
- Leander ETJ



CASE: 21-Z-039

ATTACHMENT #5

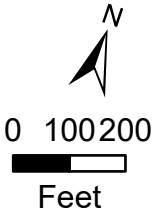
Droptini Zoning

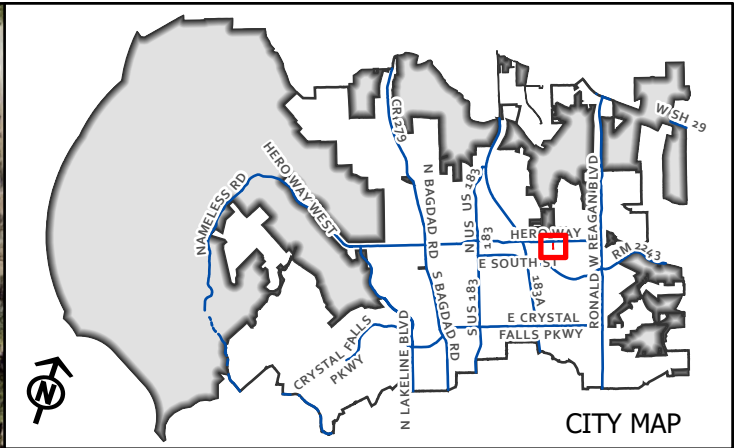
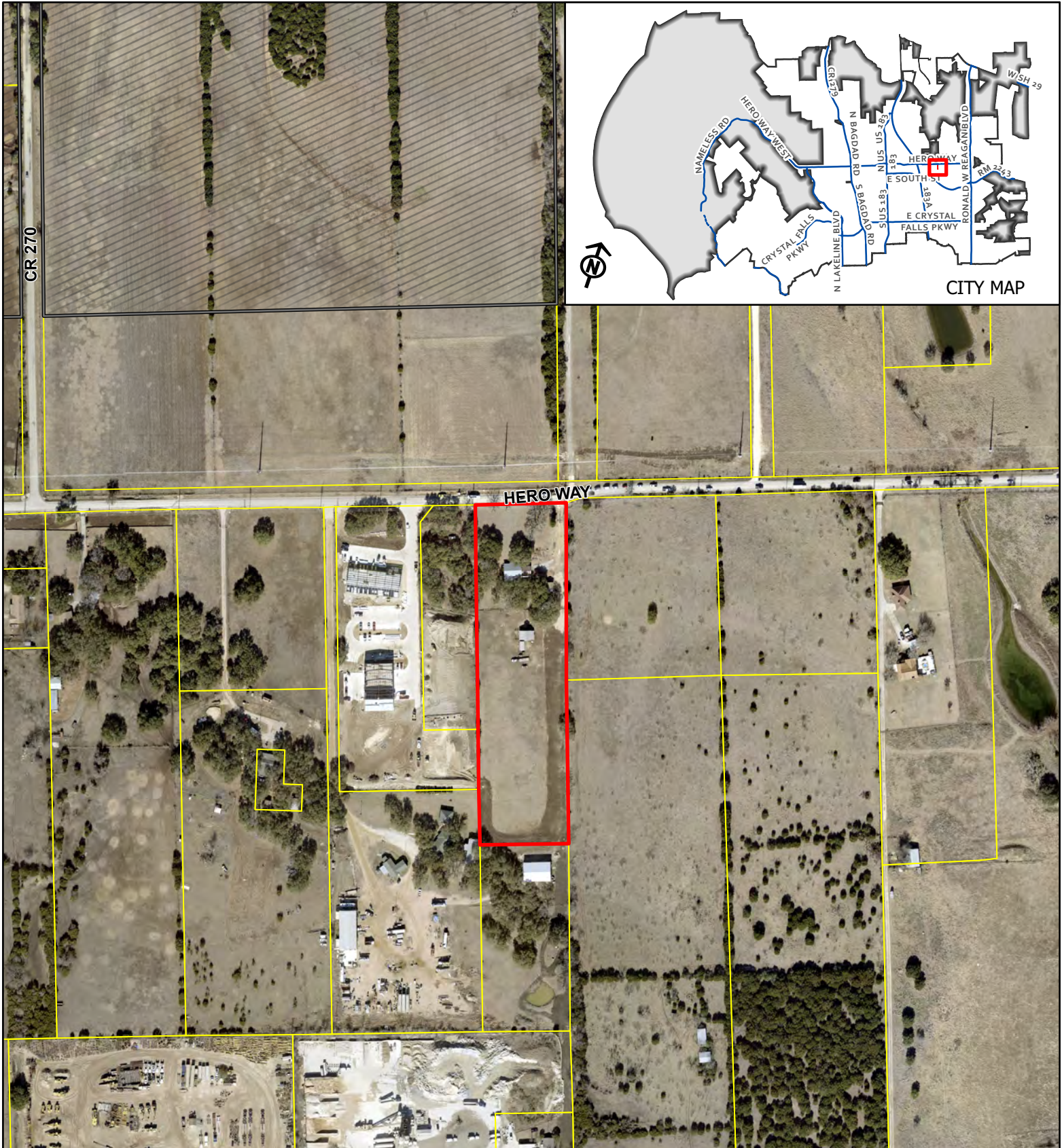
Proposed Zoning Map

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
- Leander ETJ
- Subject Area

- SFR - Single-Family Rural
- HC - Heavy Commercial
- HI - Heavy Industrial





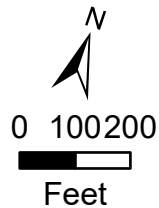
CASE: 21-Z-039

ATTACHMENT #6

Droptini Zoning

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
-  Leander ETJ
-  Subject Area

SOUTHWEST
LAND SERVICES, INC.

October 29, 2021

Robin Griffin, AICP
Development Services Director
City of Leander
201 N. Brushy St.
Leander, TX 78641

RE: Droptini tract – R031285
2999 Hero Way
Rezoning request

Ms. Griffin,

On behalf of Jerry and Jan Droptini (Owners), we are submitting the enclosed Zoning Application to rezone the referenced tract from SFR-1-B(Single Family Resident), to HC-4-D(Heavy Commercial). The Owners wish to facilitate reasonable and appropriate commercial uses on the property consistent with existing uses in the area and recent development of the adjacent tract.

The proposed zoning will bring the tract into alignment with the Future Land Use designation (Employment Center) as assigned by the City on its Comprehensive Plan and will further the goals established therein by expanding the employment base contiguous to existing and planned transportation arterials and provide additional commercial opportunities within the corporate boundaries of the City.

The topography of the site is relatively flat with slopes of less than two percent (2%). The property has a significant number of oak trees that will be cataloged during the site plan process in accordance with the City's Tree Ordinance in advance of any development on the tract.

We respectfully solicit Staff's recommendation for approval of the request and welcome any questions you have in regard to the request.

Sincerely,



David Singleton

Mailing address: P.O. Box 984 Leander Texas 78646-0984
Delivery address: 100 Winding Oak Leander Texas 78641
southwestland@gmail.com 512.259.9000

APPLICANT'S SUMMARY OF NEIGHBORHOOD COMMUNICATIONS

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 surrounding appropriate neighbors within 500' were mailed the attached letter on November 8th informing them of the proposed zoning change. We provided all of our contact information and offered individual meetings/phone conversations/emails or text communicate issues or concerns.

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.

Contact List attached of suspected/known tracts with residences.

3. What concerns were raised during these communications?

As of this date, no one called, emailed, texted or communicated any issues or concerns with the proposed zoning.

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

No issues were raised that would prompt a response or modification.

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

Signature: 

Date: 11-16-21

**SOUTHWEST
LAND SERVICES, INC.**

November 8, 2021

RE: 29990 Hero Way West
WCAD - R031285

To Whom It May Concern:

You are receiving this letter because the above referenced tract is proposed to be considered by the City of Leander Planning & Zoning Commission for a change in zoning and current tax records show you own or represent property within 500' of the tract. In advance of the meeting, the City's process requires the Applicant (or their representative) to reach out to certain surrounding property owners to give them a chance to ask questions or express concerns on what is being proposed and report any issues raised back to City staff.

The property was involuntarily annexed by the City in its current configuration and with its existing use. As is the City's policy, the tract was not zoned at the time of annexation but rather was assigned interim zoning (SFR-1-B). The zoning being requested (HC-4D) is consistent with the City's Comprehensive Plan for the area.

We are available to answer any questions you have via email, phone or text. Please feel free to call, text, email with questions or concerns. We respectfully request that we receive any correspondence by Tuesday, November 16th 2021 so that we may relay those questions or concerns to the City as required.

Sincerely,
SOUTHWEST LAND SERVICES, INC.



David Singleton

Southwest Land Services, Inc.
southwestland@gmail.com
PO Box 984
Leander, Tx 78646-0984
(office) 512.259.9000
(cell) 512.848.6555

Mailing address: P.O. Box 984 Leander Texas 78646-0984
Delivery address: 100 Winding Oak Leander Texas 78641
southwestland@gmail.com 512.259.9000

500 ft Residential Neighbors Parcel Identification Number	Owner	SiteAddress
R600076	PRELUDE VENTURES LLC	HERO WAY, LEANDER, TX 78641
R555216	MAHENDRU, VIVEK, MD	2871 HERO WAY, LEANDER, TX 78641
R318744	TEX MIX LAND LTD	9200 RR 2243, LEANDER, TX 78641
R555207	CHAMPION, EMOGENE INDIV & AS TR	1651 CR 270, LEANDER, TX 78641
R031285	DROPTINI J W & JAN	2999 HERO WAY, LEANDER, TX 78641
R031284	MAUCK PROPERTIES LLC	3005 HERO WAY, LEANDER, TX 78641
R318756	CARTER, STELLA	HERO WAY, LEANDER, TX 78641

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING THE ZONING ORDINANCE BY REZONING ONE PARCEL OF LAND FROM INTERIM SFR-1-B (SINGLE-FAMILY RURAL) TO HC-4-D (HEAVY 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 parcels of land being including 4.95 acres ±; being more particularly described in Exhibit "A"; commonly known as 2999 Hero Way; identified by Williamson Central Appraisal District tax identification number R031285; more particularly described in Instrument Number 1990020308 recorded in the Official Public Records of Williamson County, Texas.

SECTION 4. Property Rezoned. The Zoning Ordinance is hereby amended by changing the zoning district for the Property from Interim SFR-1-B (Single-Family Rural) to HC-4-D (Heavy Commercial) as shown in Exhibit "A".

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 3rd day of March, 2022.

FINALLY PASSED AND APPROVED on this the 17th day of March, 2022.

ATTEST:

THE CITY OF LEANDER, TEXAS:

Dara Crabtree, City Secretary

Christine DeLisle, Mayor



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

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

January 13, 2022 at 7:00 PM



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

Place 5 – Gary Hampton, Jr.
Place 6 – Laura Lantrip
Place 7 – Rick Carpenter

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

1. Call to Order at 7:00 pm.
2. Roll Call.
All Commissioners were present except Commissioner Cosgrove.
3. Director's report to the Planning & Zoning Commission on actions taken by the City Council at the January 6, 2022 meeting.
4. Review of meeting protocol.
5. Citizen Comments: Three (3) minutes allowed per speaker.
No one wished to speak.

CONSENT AGENDA: ACTION

6. Approval of the submittal schedule for Subdivision, Site Development Applications, and Dry Utility Applications pursuant to Article IX, Section 9 (a) (1) b. of the Composite Zoning Ordinance and Article II, Section 20 (e) of the Subdivision Ordinance; Leander, Williamson & Travis Counties, Texas.
7. Approval of Minutes.

Motion made by Commissioner May to approve the consent agenda and seconded by Commissioner Hampton.

Vote 6 - 0 Passed.

PUBLIC HEARING: ACTION

8. Conduct a Public Hearing and consider action on Subdivision Case 21-TOD-SFP-012 and Variance Case 21-V-004 to approve the Pointe 183 Short Form Final Plat and Variance on one parcel of land approximately 22.25 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R032233; generally located between US 183 and 183A Toll Road to the south of CR 276, Leander, Williamson County, Texas.

- Discuss and consider action on Subdivision Case 21-SFP-012 and 21-V-004 as described above.

Motion made by Commissioner Laura Lantrip, seconded by Commissioner Rick Carpenter to approve the Short Form Final Plat and Variance with staff recommendations.

AYE: Commissioner Deirdre Moss, Commissioner Laura Lantrip, Commissioner Rick Carpenter, Commissioner Gary Hampton, Jr., Commissioner Ron May, Vice Chair Donnie Mahan

6 - 0 Passed

9. Conduct a Public Hearing regarding Special Use Case 21-SU-004 to consider action on a Special Use Permit to allow for a Food Truck Park including minor waivers to the Composite Zoning Ordinance on one parcel of land approximately 0.9373 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R035579; and addressed as 1006 Los Vista Dr., Leander, Williamson County, Texas.

- Discuss and consider action regarding Special Use Permit Case 21-SU-004 as described above.

Motion made by Commissioner Rick Carpenter, seconded by Commissioner Laura Lantrip to approve the special use permit with the following condition:

1. Update the conditions to restrict the hours of operation to only allow patrons between the hours of 10:00 a.m and 10:00 p.m.

AYE: Commissioner Deirdre Moss, Commissioner Laura Lantrip, Commissioner Rick Carpenter, Commissioner Ron May, Vice Chair Donnie Mahan

NAY: Commissioner Gary Hampton, Jr.

5 - 1 Passed

AYE: Commissioner Deirdre Moss, Commissioner Laura Lantrip, Commissioner Rick Carpenter, Commissioner Gary Hampton, Jr., Commissioner Ron May, Vice Chair Donnie Mahan

6 - 0 Passed

10. Conduct a Public Hearing and consider action regarding Zoning Case 21-Z-039 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to HC-4-D (Heavy Commercial) on one parcel of land approximately 4.95 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R031285; and more commonly known as 2999 Hero Way West, Leander, Williamson County, Texas.

- Discuss and consider action regarding Zoning Case 21-Z-039 as described above.

Motion made by Commissioner Laura Lantrip, seconded by Commissioner Deirdre Moss to approve the zoning request.

AYE: Commissioner Deirdre Moss, Commissioner Laura Lantrip, Commissioner Rick Carpenter, Commissioner Gary Hampton, Jr., Commissioner Ron May, Vice Chair Donnie Mahan

6 - 0 Passed

11. Conduct a Public Hearing and consider action regarding Comprehensive Plan Case 21-CPA-008 to adopt an updated Comprehensive Plan including the update of the future land use plan and map;
- Discuss and consider action regarding Comprehensive Plan Case 21-CPA-008 as described above.

Clifford Hall spoke against

Motion made by Commissioner Laura Lantrip, seconded by Commissioner Deirdre Moss to approve the amendments to the Comprehensive Plan and Future Land Use Map with the following conditions:

1. Update the proposed amendment to the property located to the north of FM 2243 close to the Reagan's Overlook Neighborhood to allow for the Multit-use Corridor to remain as is and only change the property to the south of FM 2243.
2. Update the area designated as Transitional Residential along Horizon Park Blvd to Neighborhood Residential per the request of the neighboring property owners.

AYE: Commissioner Deirdre Moss, Commissioner Laura Lantrip, Commissioner Rick Carpenter, Commissioner Gary Hampton, Jr., Commissioner Ron May, Vice Chair Donnie Mahan

6 - 0 Passed

REGULAR AGENDA

12. Adjournment 8:01 pm.

APPROVED:

CHAIRMAN MAY

ATTEST:

ELLEN COUFAL
PLANNING & ZONING COMMISSION SECRETARY



EXECUTIVE SUMMARY
03/03/2022

AGENDA SUBJECT:

Conduct a Public Hearing regarding Comprehensive Plan Case 21-CPA-008 to adopt an updated Comprehensive Plan including the update of the future land use plan and map.

- Discuss and consider action regarding Comprehensive Plan Case 21-CPA-008 as described above.

BACKGROUND:

This request is the first step in the Comprehensive Plan Amendment process. The five (5)- year update to the Comprehensive Plan was adopted last year. Since that time, we have seen a need for an update to the text of the plan as well as the future land use map due to changes to the Transportation Master Plan and goals of the City. This amendment includes updates to key areas in the City to support additional commercial growth and updates to the text to provide clarity to the land use categories.

The original public hearing was scheduled for February 3, 2022. This meeting was rescheduled due to inclement weather. A new newspaper notice was posted in the Hill Country Newspaper.

HISTORY/TIMELINE:

04/01/2021 - Adoption of the Comprehensive Plan

01/13/2022 - Planning & Zoning Commission, 1st Public Hearing

02/03/2022 - City Council, 2nd Public Hearing – Postponed due to inclement weather

APPLICANT/AGENT:

City of Leander

RECOMMENDATION:

The Planning & Zoning Commission recommended approval of the Comprehensive Plan Amendment with the following conditions during the January 13, 2022 meeting:

1. Update the proposed amendment to the property located to the north of FM 2243 close to the Reagan's Overlook Neighborhood to allow for the Multi-use Corridor to remain as is and only change the property to the south of FM 2243.
2. Update the area designated as Transitional Residential along Horizon Park Boulevard to Neighborhood Residential per the request of the neighboring property owners.

The map update is shown in the Planning Analysis and the attachment titled "P&Z Recommendation".

PRESENTER:

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

Attachments

1. Planning Analysis
2. Map Comparison

3. Map Amendment
4. P&Z Recommendation
5. Ordinance
6. P&Z Minutes



PLANNING ANALYSIS

COMPREHENSIVE PLAN CASE 21-CPA-008 PLAN & FUTURE LAND USE MAP UPDATE

GENERAL INFORMATION

Applicant: City of Leander

Staff Contact: Robin M. Griffin, AICP
Executive Director of Development Services

APPLICANT REQUEST

The purpose in this amendment is to update the Comprehensive Plan and Future Land Use Map to address changes to the Transportation Master Plan, address goals provided from the Council, and provide clarity on some land use categories.

COMPREHENSIVE PLAN TEXT UPDATES:

CHAPTER 4: COMMUNITY DIRECTION

NEIGHBORHOOD RESIDENTIAL

CURRENT TEXT






NEIGHBORHOOD RESIDENTIAL

Intent and Character

The Neighborhood Residential future land use category is intended to be developed primarily as new single-family detached residential subdivisions with associated amenities, such as parks, trails, open space areas, and elementary schools. These areas are intended to have a mix of suburban and auto-oriented development character which are primarily found in the form of detached residential lots.

Architectural styles, building height and massing are relatively uniform in this type of land use. Most streets are considered to be local and low-volume with curb and gutter, sidewalks, consistent speeds and highly accessible driveways. Strategically located parks are essential and in some cases a school or other institutional use are integrated or in close proximity.

Appropriate Land Use Types

Use	Appropriate Uses
Agricultural	Not appropriate
Residential	Single-family detached residential; Single-family attached uses; Cottages; Townhouses (up to four units).
Commercial	In Planned Unit Developments, neighborhood-serving retail, personal service, and office uses may be considered if they include strict design standards and compatibility criteria. These uses should typically be found along higher-classification streets and sited at or near intersections.
Industrial	Not appropriate
Institutional	Education (e.g., elementary and secondary schools); institutional uses (e.g., places of public assembly); public recreational uses (e.g., parks and playgrounds; play stadiums); and utility and service uses (e.g., electrical substations, fire stations, etc.). High schools may be permitted if they are located and take access from a collector or greater street classification.
Other	Other uses could be permitted as limited or conditional basis.



Single-Family House



Single-Family House



Guidance and Interpretation

The following recommendations should be considered for decision-making for zoning requests, development approvals, and regulatory adjustments:

- Zoning proposals for districts allowing single-family attached uses, cottages, and townhouses are consistent with the land use category if they are located on and take access from a collector or greater road classification and are considered for areas that provide for a transition between single-family detached residential uses and other more intensive uses (e.g., more intensive zoning districts and future development areas). Attached single-family should be secondary to detached product types.

Existing Zoning District Suitability

- Single-Family Rural (SFR)
- Single-Family Estate (SFE)
- Single-Family Suburban (SFS)
- Single-Family Urban (SFU)
- Single-Family Compact (SFC)
- Planned Unit Development (PUD)
- Single-Family Limited (SFL)
- Single-Family Townhouse (SFT)
- Two-Family (TF)
- Cottage Housing (CH)
- Neighborhood Residential (NR)

Code Assessment Considerations

- Areas of differing compatibility should be screened by bufferyards
- Streets should maintain a suburban cross-section
- Consider a new zoning district that would allow for flexible lot sizes within a master-planned community without doing a PUD
- Connectivity, both vehicular and pedestrian, to other neighborhoods, trail systems, greenways and major street system

PROPOSED CHANGE:

Add the following under the “Code Assessment Considerations” section: Landscaping should be drought tolerant and proposed turf grass areas should be reduced for common areas.

MULTI-USE CORRIDOR**CURRENT TEXT:**



MULTI-USE CORRIDOR

Intent and Character

The Multi-Use Corridor future land use category is intended for mixed-use areas to be developed at a higher density/intensity and with uses not primarily supported in Neighborhood Residential. These areas are intended to provide for a mix of both commercial and residential uses that are not integrated into neighborhoods but maintain a seamless, compatible transition between residential and commercial uses.

Multi-Use Corridors are not intended for strip commercial nor are they expected to be predominantly commercial. These corridors have been identified as opportunity areas for businesses and daily services, high-intensity residential such as townhouses, civic and employment uses, but also traditional single-family neighborhoods where streets access these corridors.

These areas are intended to be developed with an auto-oriented character, which means vehicles and parking areas are a primary visual characteristic from the street. Access management is recommended to maintain safe traffic movement along these streets. Appropriate bufferyards are required to ensure compatibility with adjacent Neighborhood Residential.



Appropriate Land Use Types

Use	Appropriate Uses
Agricultural	Not appropriate
Residential	Should be secondary to commercial but typically will be medium-density attached residential (attached single-family, cottage housing, townhouses). Single-family may be considered but is not encouraged. Single-family may be best facilitated in a PUD or master planned community with a variety of uses and residential densities. No access to the major street is allowed for individual units.
Commercial	Commercial retail, office, personal service uses, and restaurants, including drive-throughs. These could be stand-alone individual parcels if they are pre-existing or as part of a larger retail center. Near highway intersections and adjacent to Employment Mixed Use/Activity Centers, hotels, grocery stores and similar regional uses may also be appropriate.
Industrial	Not appropriate
Institutional	Education (e.g., elementary, secondary, and high schools); institutional uses (e.g., places of public assembly); public recreational uses (e.g., parks and playgrounds; play stadiums); and utility and service uses (e.g., electrical substations, fire stations, etc.).
Other	Other uses could be permitted as limited or conditional basis.



Mixed Use Building with Outdoor Seating



Townhouses with Garages

Code Assessment Considerations

- Ensuring appropriate scale and context
- Reduce barriers to employment-generating uses and development
- Incentivize sustainable architectural design and adaptive-use spaces
- Walkability and gathering places
- Ensuring good access around intersections
- Flexible parking requirements
- Transitions and buffering

Priority Commercial Corridors

- Along 183A Toll
- Along US 183
- Along Ronald Reagan
- Along Hero Way

Priority Commercial Centers should be focused on commercial uses, not residential, and facilitate more activated non-residential development

Guidance and Interpretation

The following recommendations should be considered for decision-making for zoning requests, development approvals, and regulatory adjustments:

- New non-residential development should be located on and take primary access from the primary corridor street; secondary access can be taken to within the neighborhood if planned at the time of residential zoning only a collector or greater classification. Pedestrian access to non-residential should be encouraged from the neighborhood. Parking lot landscaping should be used to buffer auto uses and create a suburban character.
- Individual pad lots should be discouraged to avoid strip zoning with multiple access points. Therefore, access management policies should be put into place along corridors based on speed and desired character.
- On arterials and highways, office employment and office center uses should be encouraged to entice businesses, especially in planned developments with a mix of amenities and activity. Upper-story residential and mixed-use is encouraged near and within job centers.
- Areas located near an activity center could be comprised of more intense/dense uses. These areas are suitable for neighborhood shopping centers and higher intensity/density mixed-use developments.
- Single-family attached uses (i.e., duplexes, triplexes, fourplexes, and townhouses (up to six attached units)) as well as single-family detached can be considered for approval as long as the use is secondary to commercial. The residential use may not exceed forty (40%) of the project or area within the MUC area and shall be combined with a commercial use.

Existing Zoning District Suitability

• Single-Family Townhouse (SFT)	• Local Commercial (LC)
• Cottage Housing (CH)	• General Commercial (GC) only on Priority Commercial Corridors
• Two-Family (TF)	• Local Office (LO)
• Planned Unit Development (PUD)	

PROPOSED CHANGES:

Staff is proposing to update the Multi-Use Corridor to clarify when single-family attached and detached uses are supported by the Comprehensive Plan. Multi-Use Corridors are located along arterial class roadways. These corridors need to be preserved for commercial uses with a limited amount of residential. In addition, staff is proposing that the GC use component is supported within a Multi-Use Corridor at intersections with arterials.

1. Guidance and Interpretation Section:

Current: Single-family attached uses (i.e., duplexes, triplexes, fourplexes, and townhouses (up to six attached units)) as well as single-family detached can be considered for approval as long as the use is secondary to commercial. The residential use may not exceed forty (40%) of the project or area within the MUC area and shall be combined with a commercial use.

Proposed: Single-family attached uses (i.e., duplexes, triplexes, fourplexes, and townhouses (up to six attached units)) as well as single-family detached can be considered for approval as long as the use is secondary to commercial. The residential use may not exceed forty (40%) of the project. The intent of this land use category is to preserve areas for commercial development

2. Existing Zoning District Suitability

Current: General Commercial (GC) only on Priority Commercial Corridors

Proposed: General Commercial (GC) only on Priority Commercial Corridors or at intersections with arterials.

ACTIVITY CENTER

CURRENT TEXT:



ACTIVITY CENTER

Intent and Character

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.



Appropriate Land Use Types

Use	Appropriate Uses
Agricultural	Not appropriate
Residential	In a mixed use development, vertically-integrated mixed use buildings secondary to a non-residential primary use, such as mixed-use urban lofts. Lofts should be integrated into broader development plans, with amenities and walkable connections. Design of the high-density should be in urban and not suburban form. Townhouse-style mid-density is also allowed.
Commercial	Commercial retail, professional offices, personal services, restaurants, grocery stores, big box retail, entertainment, fuel sales, hotels, and similar regional uses.
Industrial	Not appropriate
Institutional	Public recreational uses (e.g., urban plazas and greens); and utility and service uses (e.g., electrical substations, fire stations, etc.).
Other	Other uses could be permitted as limited or conditional basis, assuming an integration with the design character proposed for the Activity Center.

Desired Mix
(Land distribution)

70-100% Non-Residential
0-30% Residential

92



Activity Center illustration of a hypothetical integrated, mixed-use development at a strategic location.

Source: 2015 Destination Leander Plan (LandDesign)

Code Assessment Considerations

- Consider Activity Center zoning guidance (for development) that is likely to be memorialized as a PUD
- Consider creation of a mid-density multifamily district
- Consider including development incentives to signal priorities
- Study regional detention options in partnership with developers
- Access management and turning movement lanes for entry points
- Increase height requirements
- Reduce tree and landscaping requirements, but ensure quality streetscapes
- Reduce parking ratios and incentivized shared parking

Guidance and Interpretation

The following recommendations should be considered for decision-making for zoning requests, development approvals, and regulatory adjustments:

- The size of the activity center is intended to be flexible if the proposed development still embodies the intent and character of the activity center classification.
- Development quality (architecture and landscaping) should be of higher quality.
- Although not required, regional detention should be encouraged to serve all parcels in an activity center. This allows for more intensity of use across the rest of the activity center.
- Internal vehicular and pedestrian interconnectivity among uses and parcels is required along with connection to adjacent development.
- Major entrance drives to the activity center should be designed with center planted medians.
- Site development configuration and circulation should account transit stops and accommodations.
- On-site parking should be first accommodated through decreased minimum parking requirements, followed by on-street parking, shared parking, and structured parking placed away from main pedestrian pathways. Individual surface lots for each parcel should not be required.
- Outparcels placed along arterial and collector roads should be developed and connected to serve the internal roads of the activity center.
- Building height and mass should be designed to maximize compatibility with adjacent uses, where the highest intensity is placed at the center of the activity center.

Existing Zoning District Suitability

- Single-family Townhouse (SFT)
- General Commercial (GC)
- Local Office (LO)
- Planned Unit Development (PUD)
- Local Commercial (LC)

PROPOSED CHANGES:

After the adoption of the 2020 Comprehensive Plan update, it was brought to our attention that there is an area within the Activity Center that includes the intersection of Ronald W Reagan Blvd and Hero Way that includes land within the Edwards Recharge Zone. There are additional restrictions associated with the impervious cover limits that are mandated by the Texas Commission on Environmental Quality (TCEQ). This change would allow for allow for large lot residential developments over the recharge zone without counting against the residential mix limit of 30%.

1. Guidance and Interpretation Section:

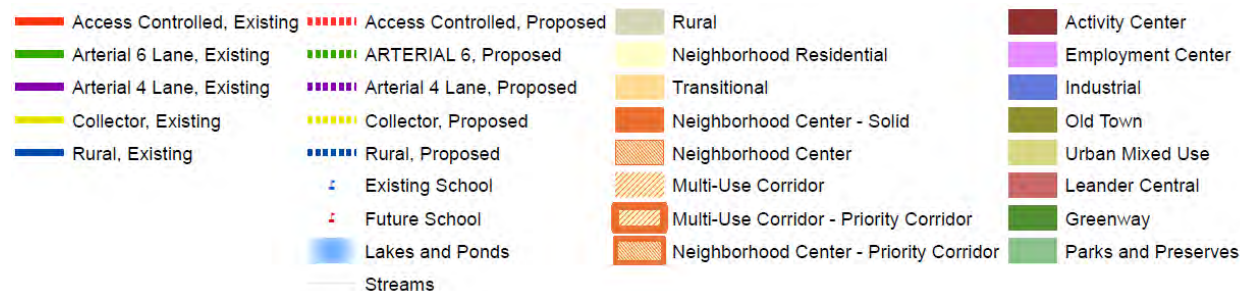
Proposed: The make-up of the center that includes the intersection of Ronald W Reagan Blvd may include up to 30% residential. Properties proposed for the SFR (Single-Family Rural) use component and located with the Edward's Aquifer Recharge Zone shall not count against this percentage.

CHAPTER 5: COMMUNITY AGENDA**GOAL #11 UTILITIES****NEW ACTION ITEM:**

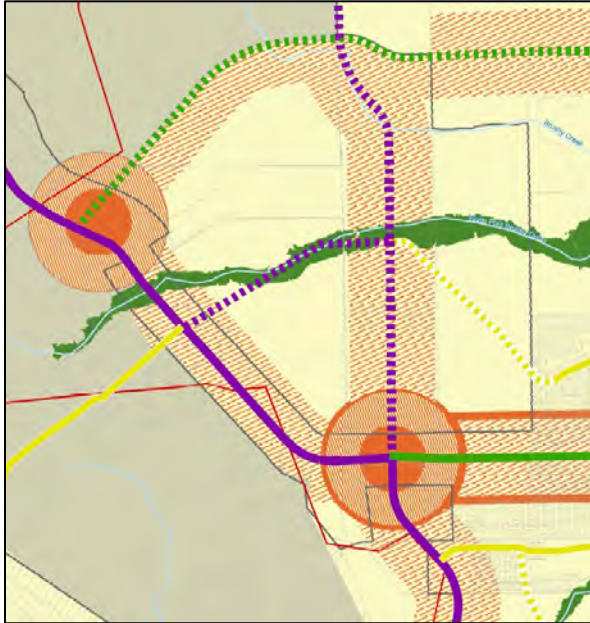
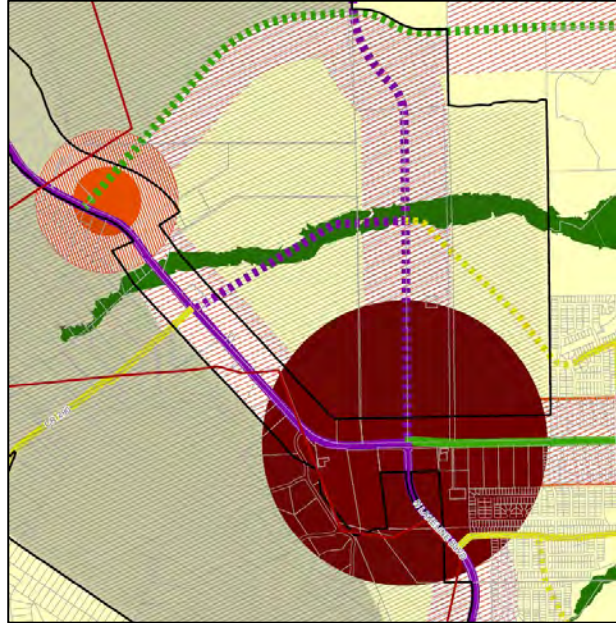
Action 11.2.6 Pursue and implement updates to the ordinances to promote water conservation. Different land uses and buildings types have different water demands. Updates should encourage a reduction in high water usage landscaping, water reuse, and promotion of adequate water supply.

FUTURE LAND USE MAP UPDATES:

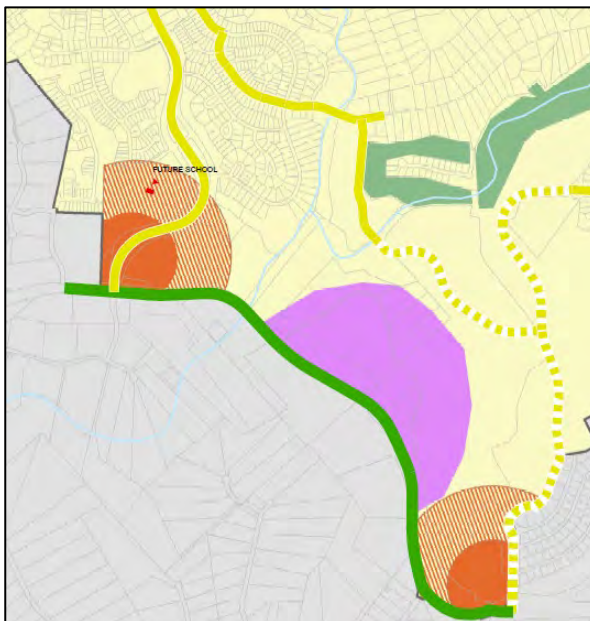
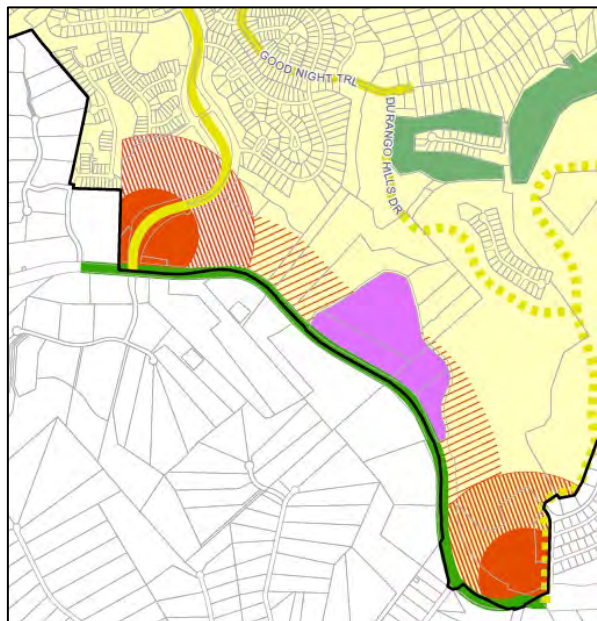
The Future Land Use Map updates include changes to the location of different land use categories in response to changes to the Transportation Master Plan, need for more large commercial areas, and future extensions of roadways. Below, please find a legend for the different land use categories and road types:



- 1. Intersection of Hero Way and Lakeline Blvd** – Change from Neighborhood Center to Activity Center. This change would encourage more commercial activity in this area. The current Future Land Use Plan only includes four Activity Centers. Activity Centers are meant to provide diverse retail and employment uses at critical intersections. As the City grows, Lakeline Blvd will be extended to the north. The City has a need for larger areas of commercial for economic development purposes.

CURRENT:**PROPOSED:**

- 2. RM 1431 between Travisso Pkwy and the future extension of Osage Dr** – Adds a Multi-Use Corridor and updates the boundary of the Employment Center. The plan currently includes residential fronting on to RM 1431. Residential uses are not appropriate in this location and the area meets the criteria for a Multi-Use Corridor

CURRENT:**PROPOSED:**

3. **Property to the east of West Drive** – Continues the Transitional land use category to the south. This area is currently developed as a mix of residential and commercial uses with cases where property is zoned commercial, but developed as residential.

CURRENT:

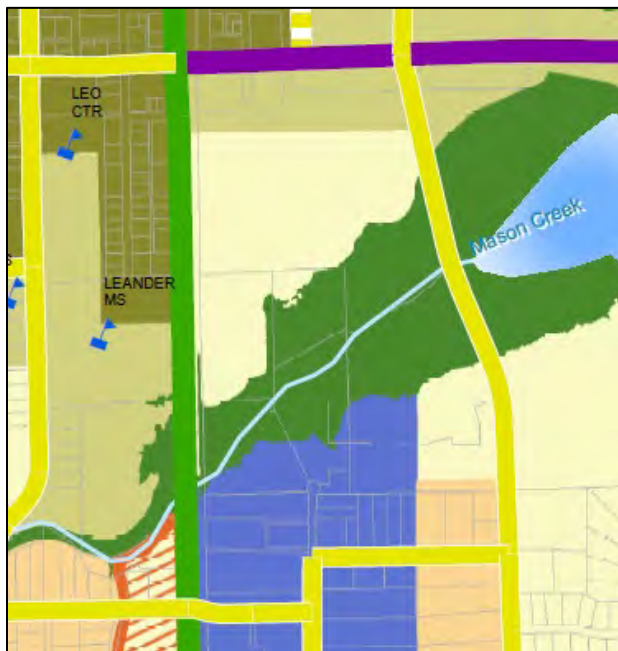


PROPOSED:

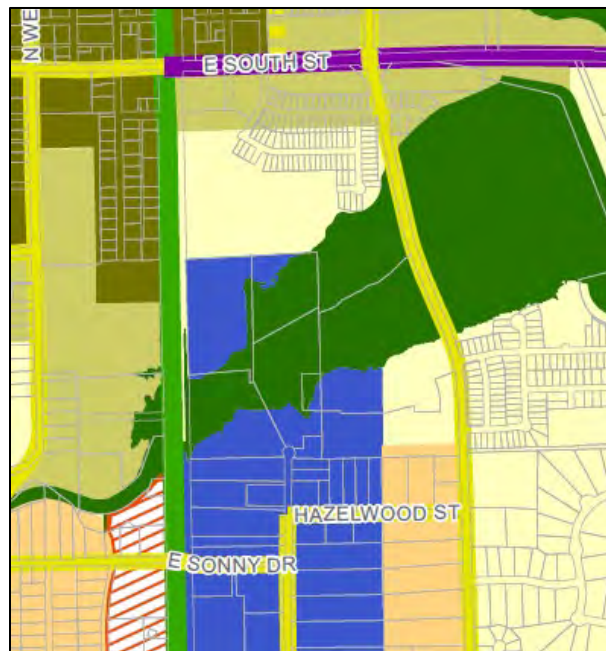


4. **Property to the north of Leander Dr and Hazelwood St** – Adds Industrial to the property located to the north of Leander Dr and Hazelwood. This area was previously identified as the Industrial category and is currently zoned for industrial.

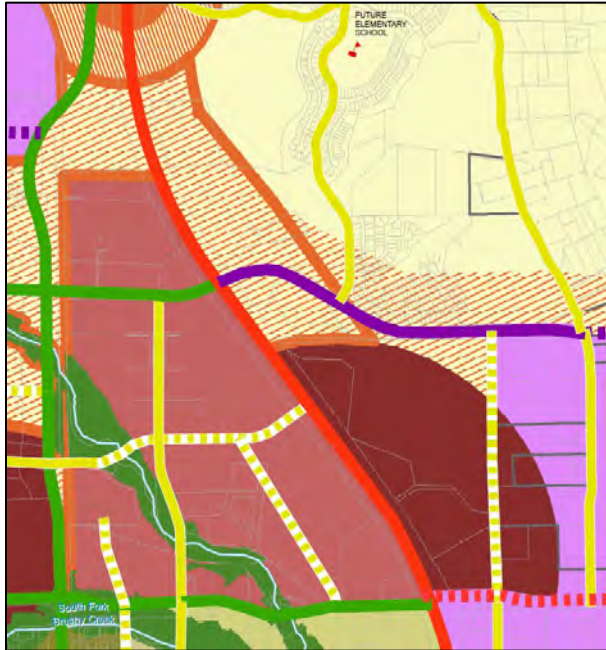
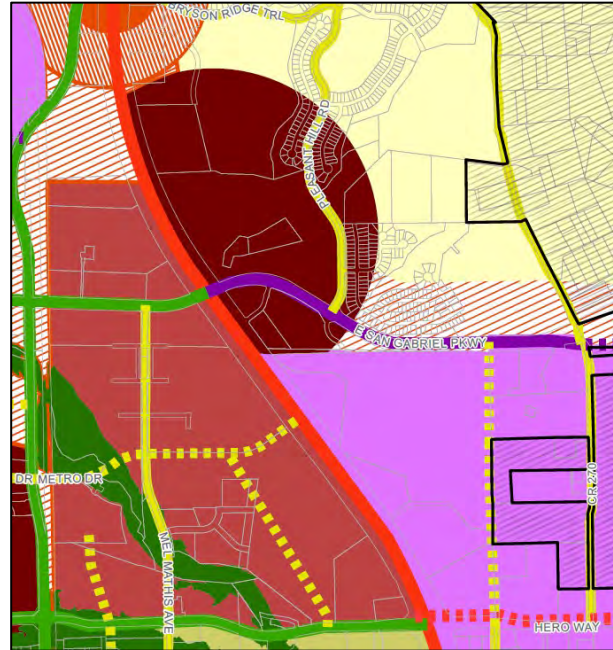
CURRENT:



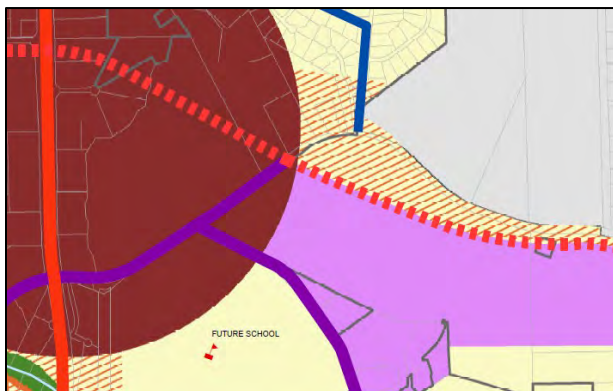
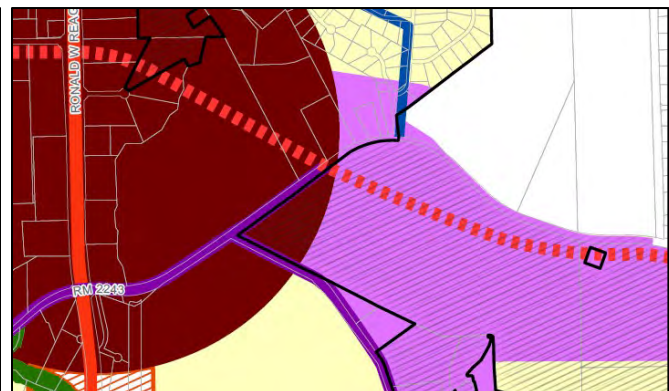
PROPOSED:



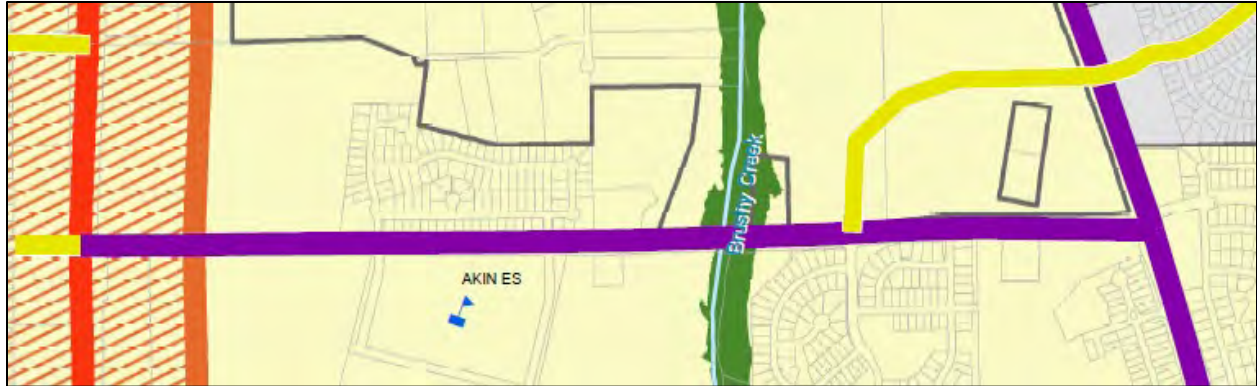
5. **Southeast of the Intersection San Gabriel Pkwy & 183A** – Expands the Employment Center and moved the Activity Center to the north. The area between the existing Employment Center and 183A Toll Road should be a continuation of the Employment Center. Due to this change, we are proposing an Activity Center to the east of the intersection of San Gabriel Pkwy and 183A Toll Road. This area includes properties zoned for commercial as well as areas that could support commercial uses.

CURRENT:**PROPOSED:**

6. **East of the Intersection of RM 2243 & Ronald W Reagan Blvd** – Expands the Employment Center to the north of future Hero Way east extension. The future expansion of Hero supports large employers and more intense uses.

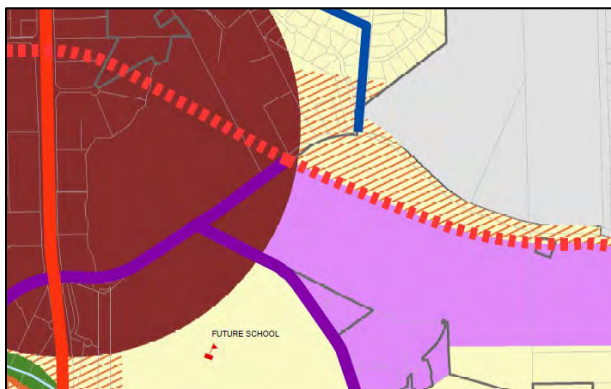
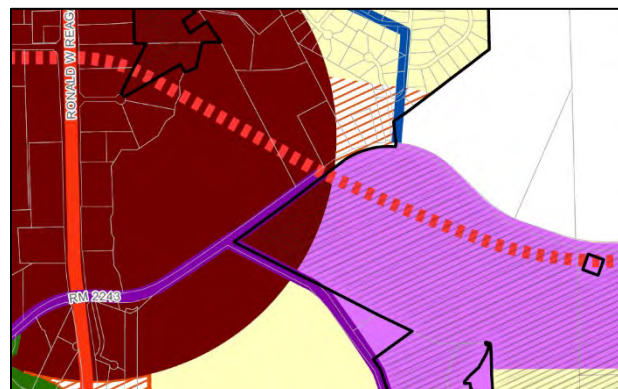
CURRENT:**PROPOSED:**

7. **West of the Intersection CR 175 & Journey Pkwy** – Adds a Neighborhood Center in the northwest corner of Journey Pkwy and CR 176 as well as extended the Multi-Use Corridor along Journey Parkway. Journey Pkwy was upgraded with the latest Transportation Master Plan from a collector to an arterial. This change created a more significant intersection where it would be appropriate to have a Neighborhood Center.

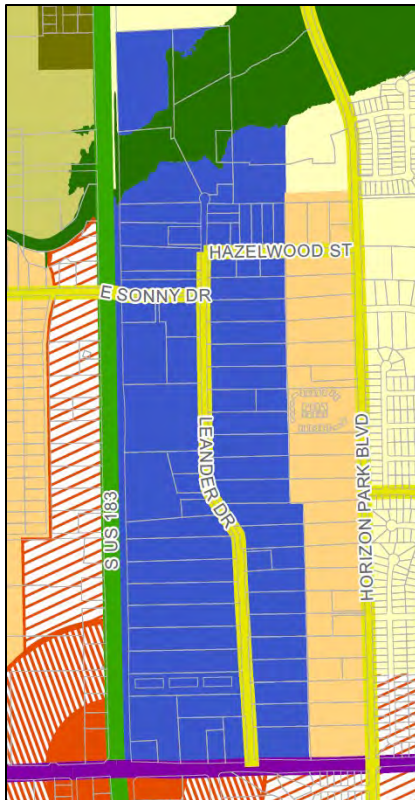
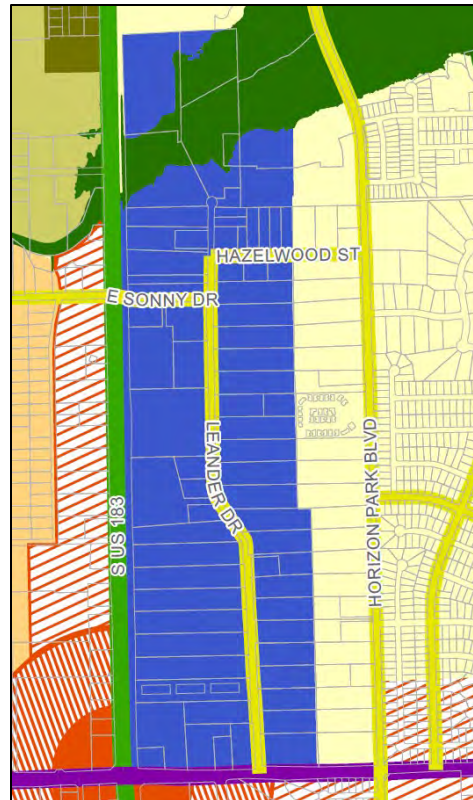
CURRENT:**PROPOSED:****PLANNING & ZONING COMMISSION RECOMMENDATIONS**

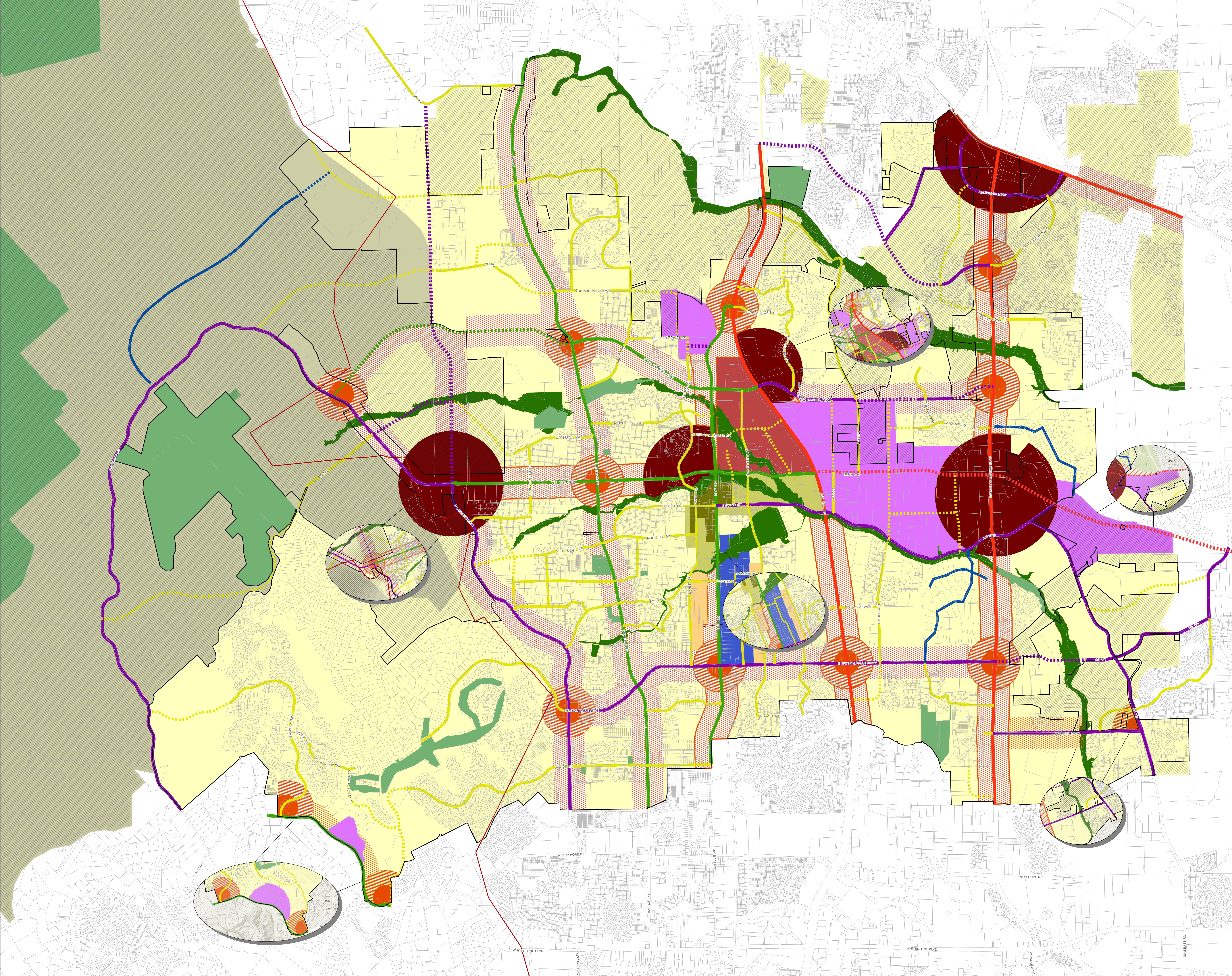
During the January 13, 2022 meeting, the Planning & Zoning Commission recommended approval of the amendment with the following conditions:

1. Update the proposed amendment to the property located to the north of FM 2243 close to the Reagan's Overlook Neighborhood to allow for the Multi-use Corridor to remain as is and only change the property to the south of FM 2243.

CURRENT:**PROPOSED:**

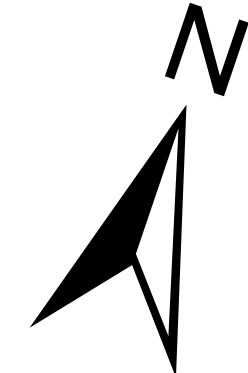
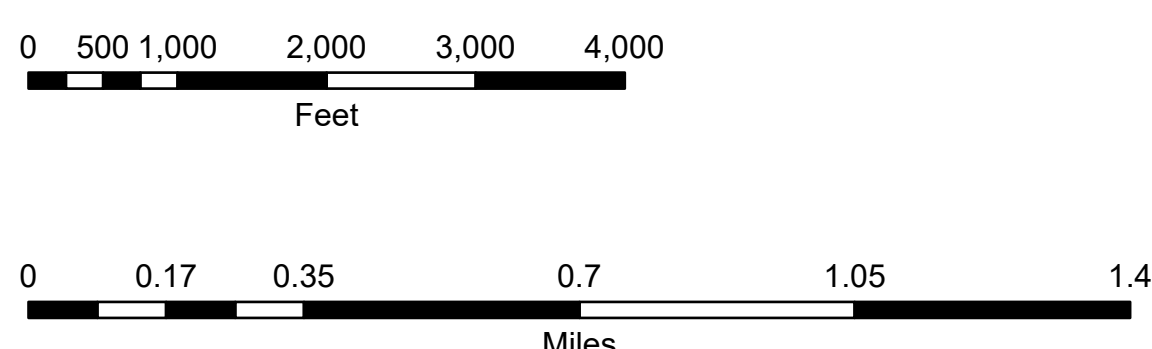
2. Update the area designated as Transitional Residential along Horizon Park Blvd to Neighborhood Residential per the request of the neighboring property owners. This option was reviewed by the Council with the adoption of the Comprehensive Plan in April of 2021. During the meeting, the Council determined that the Transitional Area was appropriate at this location. These lots are adjacent to existing land zoned for industrial purposes. The primary difference between the Neighborhood Residential and Transitional Land Use Categories is the allowance for LO (Local Office) and LC (Local Commercial) as a supported use component. Horizon Park Blvd is a collector class roadway.

CURRENT:**PROPOSED:**



Future Land Use Map

Effective Date



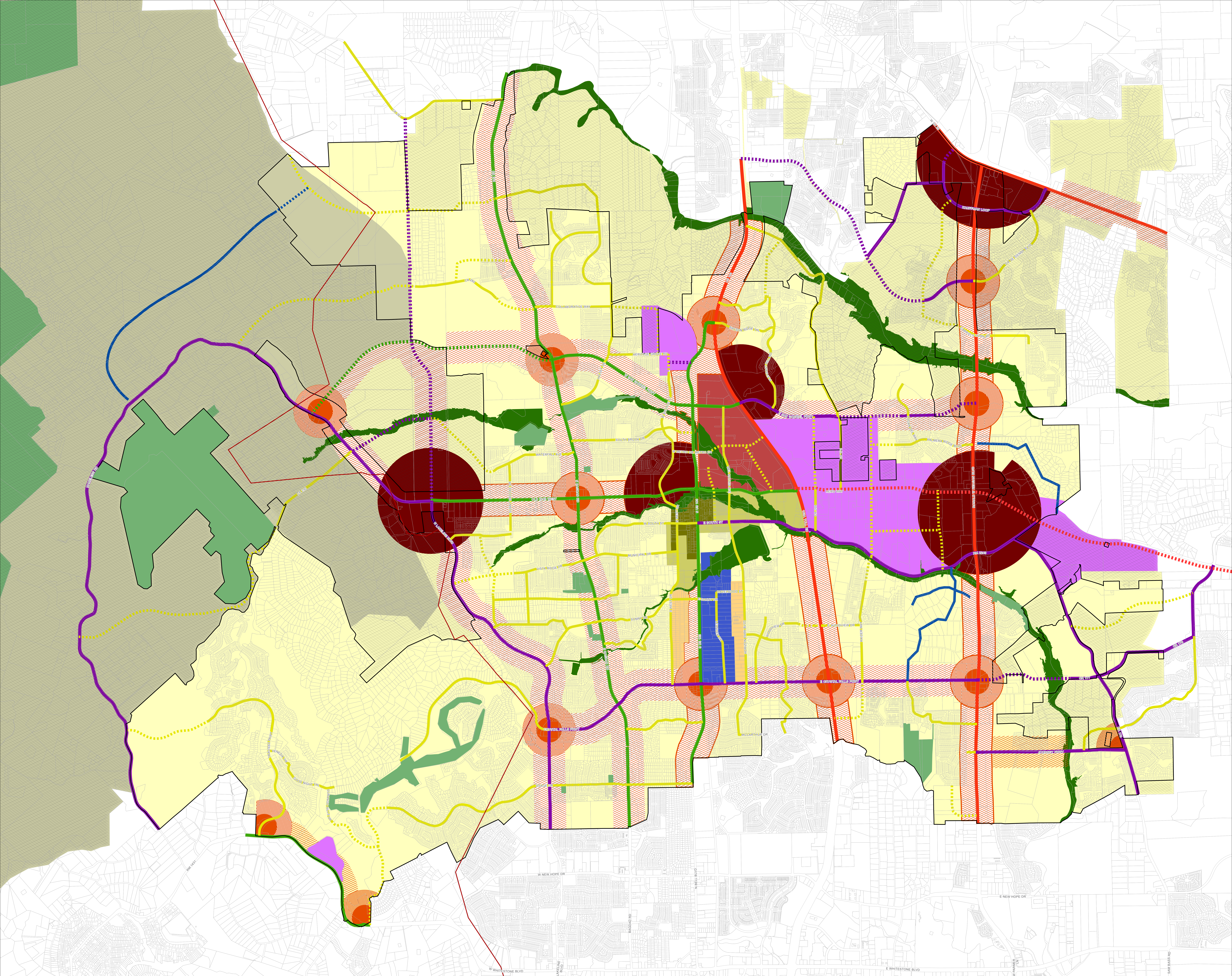
- | | |
|-----------------------------|---------------------|
| Access Controlled, Existing | Collector, Proposed |
| Arterial 6 Lane, Existing | Rural, Proposed |
| Arterial 4 Lane, Existing | Activity Center |
| Collector, Existing | Employment Center |
| Rural, Existing | Greenway |
| Access Controlled, Proposed | Industrial |
| ARTERIAL 6, Proposed | Leander Central |
| Arterial 4 Lane, Proposed | Multi-Use Corridor |

Legend

- | | |
|---|--------------------------|
| Multi-Use Corridor - Priority Corridor | Transitional Residential |
| Neighborhood Center | Urban Mixed Use |
| Neighborhood Center - Priority Corridor | |
| Neighborhood Center - Solid | |
| Neighborhood Residential | |
| Old Town | |
| Parks and Preserves | |
| Rural | |

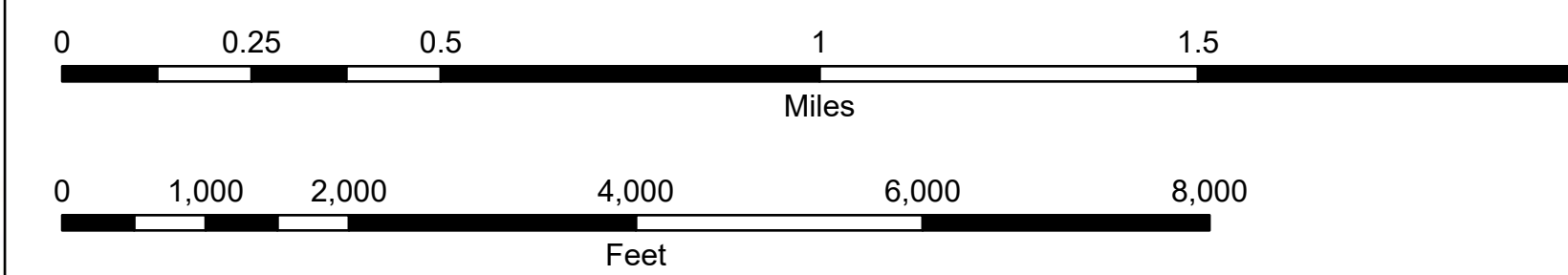
Texas Local Government Code Section 213.005:
A comprehensive plan shall not constitute zoning
regulations or establish zoning district boundaries.

* Properties added to the ETJ after the adoption
of this Future Land Use Map are designated as
Neighborhood Residential.



Future Land Use Map

Effective Date



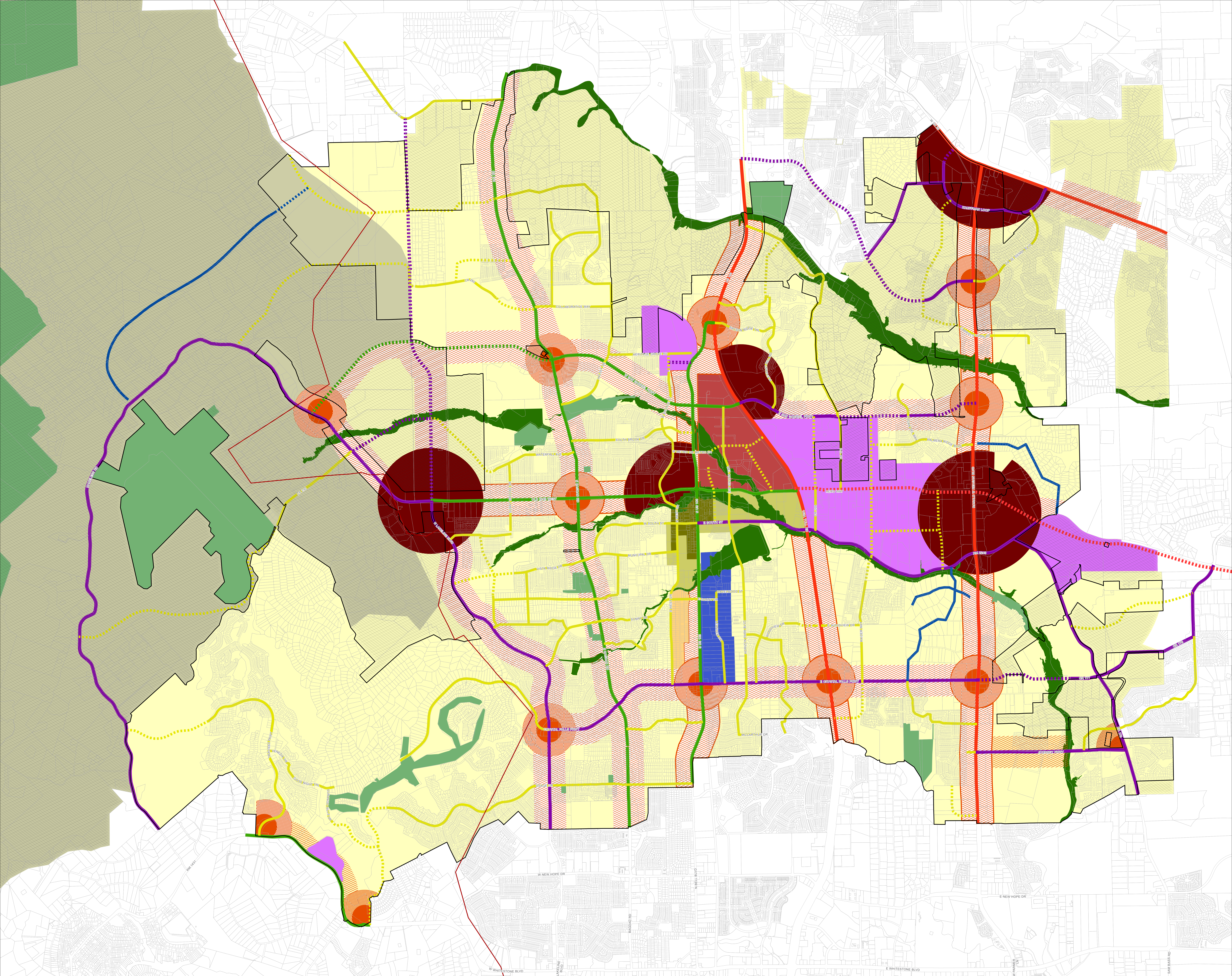
- | | |
|-----------------------------|---------------------|
| Access Controlled, Existing | Collector, Proposed |
| Arterial 6 Lane, Existing | Rural, Proposed |
| Arterial 4 Lane, Existing | Activity Center |
| Collector, Existing | Employment Center |
| Rural, Existing | Greenway |
| Access Controlled, Proposed | Industrial |
| ARTERIAL 6, Proposed | Leander Central |
| Arterial 4 Lane, Proposed | Multi-Use Corridor |

Legend

- | | |
|---|--------------------------|
| Multi-Use Corridor - Priority Corridor | Transitional Residential |
| Neighborhood Center | Urban Mixed Use |
| Neighborhood Center - Priority Corridor | |
| Neighborhood Center - Solid | |
| Neighborhood Residential | |
| Old Town | |
| Parks and Preserves | |
| Rural | |

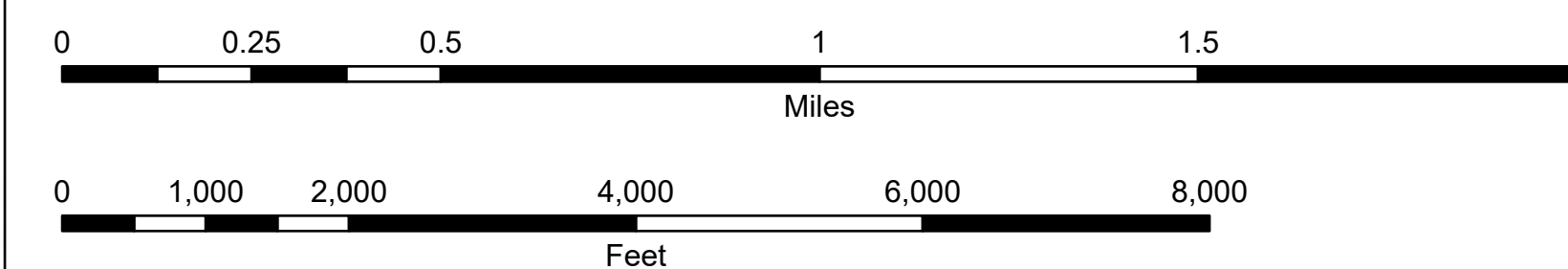
Texas Local Government Code Section 213.005:
A comprehensive plan shall not constitute zoning
regulations or establish zoning district boundaries.

* Properties added to the ETJ after the adoption
of this Future Land Use Map are designated as
Neighborhood Residential.



Future Land Use Map

Effective Date



- Access Controlled, Existing
- Arterial 6 Lane, Existing
- Arterial 4 Lane, Existing
- Collector, Existing
- Rural, Existing
- Access Controlled, Proposed
- ARTERIAL 6, Proposed
- Arterial 4 Lane, Proposed
- Collector, Proposed
- Rural, Proposed
- Activity Center
- Employment Center
- Greenway
- Industrial
- Leander Central
- Multi-Use Corridor

Legend

- Multi-Use Corridor - Priority Corridor
- Neighborhood Center
- Neighborhood Center - Priority Corridor
- Neighborhood Center - Solid
- Neighborhood Residential
- Old Town
- Parks and Preserves
- Rural
- Transitional Residential
- Urban Mixed Use

Texas Local Government Code Section 213.005:
A comprehensive plan shall not constitute zoning
regulations or establish zoning district boundaries.

* Properties added to the ETJ after the adoption
of this Future Land Use Map are designated as
Neighborhood Residential.

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, ADOPTING AN UPDATED COMPREHENSIVE PLAN FOR THE CITY; PROVIDING FOR THE AMENDMENT OF THE PLAN; PROVIDING FOR RELATED MATTERS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW

WHEREAS, it is necessary and reasonable for the public health, safety, morals, and welfare of the City of Leander, Texas, a Texas home rule municipality, (herein the “City”) to provide for and maintain a comprehensive plan for the City in accordance with the City Charter and Chapters 211 and 213 of the Texas Local Government Code;

WHEREAS, the City Council adopted the Future Land Use Plan set forth in the Comprehensive Plan by Ordinance No. 21-090-00;

WHEREAS, the City Council finds that the adoption of the amendments to the Future Land Use Plan herein promote the public health, safety, morals, and welfare and provide for the orderly development of the City; and

WHEREAS, after review, inquiry and the opportunity for citizen participation at one or more public hearings and review and recommendation by the Planning and Zoning Commission, the City Council approves the amendments to the Comprehensive Plan hereinafter set forth;

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

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

SECTION 2. Amendment of the Comprehensive Plan. The City Council hereby adopts the amendment to the Future Land Use Plan that is attached hereto as Exhibit A. The Future Land Plan, as amended, shall be kept in the office of the Planning Department and shall be available for public inspection during normal office hours. Zoning uses, as amended from time to time at the request of the landowner or on motion of the City, shall be amended to be made consistent with the Comprehensive Plan, as amended. The City may amend the Comprehensive Plan in the discretion of the City Council in accordance with the City Charter and state law to plan for the changing plans of the City.

SECTION 3. Amendment of Conflicting Ordinances. The City of Leander Future Land Use Plan previously adopted by Ordinance No. 21-090-00 is hereby amended to the extent of any

conflict with Exhibit A. The City of Leander Comprehensive Plan, all ordinances and parts of ordinances, and all resolutions and parts of resolutions in conflict with this Ordinance are amended to the extent of such conflict. In the event of a conflict or inconsistency between this Ordinance and any other code, ordinance, or plan of the City, the terms and provisions of this Ordinance shall govern.

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

SECTION 5. 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, *Chapt. 551, Tex. Gov't. Code*.

PASSED AND APPROVED on First Reading this the 3rd day of March, 2022.

ATTEST:

THE CITY OF LEANDER, TEXAS

Dara Crabtree, City Secretary

Christine DeLisle, Mayor



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

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

January 13, 2022 at 7:00 PM



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

Place 5 – Gary Hampton, Jr.
Place 6 – Laura Lantrip
Place 7 – Rick Carpenter

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

1. Call to Order at 7:00 pm.
2. Roll Call.
All Commissioners were present except Commissioner Cosgrove.
3. Director's report to the Planning & Zoning Commission on actions taken by the City Council at the January 6, 2022 meeting.
4. Review of meeting protocol.
5. Citizen Comments: Three (3) minutes allowed per speaker.
No one wished to speak.

CONSENT AGENDA: ACTION

6. Approval of the submittal schedule for Subdivision, Site Development Applications, and Dry Utility Applications pursuant to Article IX, Section 9 (a) (1) b. of the Composite Zoning Ordinance and Article II, Section 20 (e) of the Subdivision Ordinance; Leander, Williamson & Travis Counties, Texas.
7. Approval of Minutes.

Motion made by Commissioner May to approve the consent agenda and seconded by Commissioner Hampton.

Vote 6 - 0 Passed.

PUBLIC HEARING: ACTION

8. Conduct a Public Hearing and consider action on Subdivision Case 21-TOD-SFP-012 and Variance Case 21-V-004 to approve the Pointe 183 Short Form Final Plat and Variance on one parcel of land approximately 22.25 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R032233; generally located between US 183 and 183A Toll Road to the south of CR 276, Leander, Williamson County, Texas.

- Discuss and consider action on Subdivision Case 21-SFP-012 and 21-V-004 as described above.

Motion made by Commissioner Laura Lantrip, seconded by Commissioner Rick Carpenter to approve the Short Form Final Plat and Variance with staff recommendations.

AYE: Commissioner Deirdre Moss, Commissioner Laura Lantrip, Commissioner Rick Carpenter, Commissioner Gary Hampton, Jr., Commissioner Ron May, Vice Chair Donnie Mahan

6 - 0 Passed

9. Conduct a Public Hearing regarding Special Use Case 21-SU-004 to consider action on a Special Use Permit to allow for a Food Truck Park including minor waivers to the Composite Zoning Ordinance on one parcel of land approximately 0.9373 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R035579; and addressed as 1006 Los Vista Dr., Leander, Williamson County, Texas.

- Discuss and consider action regarding Special Use Permit Case 21-SU-004 as described above.

Motion made by Commissioner Rick Carpenter, seconded by Commissioner Laura Lantrip to approve the special use permit with the following condition:

1. Update the conditions to restrict the hours of operation to only allow patrons between the hours of 10:00 a.m and 10:00 p.m.

AYE: Commissioner Deirdre Moss, Commissioner Laura Lantrip, Commissioner Rick Carpenter, Commissioner Ron May, Vice Chair Donnie Mahan

NAY: Commissioner Gary Hampton, Jr.

5 - 1 Passed

AYE: Commissioner Deirdre Moss, Commissioner Laura Lantrip, Commissioner Rick Carpenter, Commissioner Gary Hampton, Jr., Commissioner Ron May, Vice Chair Donnie Mahan

6 - 0 Passed

10. Conduct a Public Hearing and consider action regarding Zoning Case 21-Z-039 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to HC-4-D (Heavy Commercial) on one parcel of land approximately 4.95 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R031285; and more commonly known as 2999 Hero Way West, Leander, Williamson County, Texas.

- Discuss and consider action regarding Zoning Case 21-Z-039 as described above.

Motion made by Commissioner Laura Lantrip, seconded by Commissioner Deirdre Moss to approve the zoning request.

AYE: Commissioner Deirdre Moss, Commissioner Laura Lantrip, Commissioner Rick Carpenter, Commissioner Gary Hampton, Jr., Commissioner Ron May, Vice Chair Donnie Mahan

6 - 0 Passed

11. Conduct a Public Hearing and consider action regarding Comprehensive Plan Case 21-CPA-008 to adopt an updated Comprehensive Plan including the update of the future land use plan and map;
 - Discuss and consider action regarding Comprehensive Plan Case 21-CPA-008 as described above.

Clifford Hall spoke against

Motion made by Commissioner Laura Lantrip, seconded by Commissioner Deirdre Moss to approve the amendments to the Comprehensive Plan and Future Land Use Map with the following conditions:

1. Update the proposed amendment to the property located to the north of FM 2243 close to the Reagan's Overlook Neighborhood to allow for the Multit-use Corridor to remain as is and only change the property to the south of FM 2243.
2. Update the area designated as Transitional Residential along Horizon Park Blvd to Neighborhood Residential per the request of the neighboring property owners.

AYE: Commissioner Deirdre Moss, Commissioner Laura Lantrip, Commissioner Rick Carpenter, Commissioner Gary Hampton, Jr., Commissioner Ron May, Vice Chair Donnie Mahan

6 - 0 Passed

REGULAR AGENDA

12. Adjournment 8:01 pm.

APPROVED:

CHAIRMAN MAY

ATTEST:

ELLEN COUFAL
PLANNING & ZONING COMMISSION SECRETARY



EXECUTIVE SUMMARY
03/03/2022

AGENDA SUBJECT:

Discuss and consider action on the First Reading of an Ordinance regarding Zoning Case 21-Z-037 to amend the current zoning of LC-2-B (Local Commercial) and SFU/MH-2-B (Single-Family Urban/Manufactured Home) to GC-3-C (General Commercial) and LC-2-A (Local Commercial) on two (2) parcels of land approximately 1.5660 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R035565 and R035563; and addressed as 1007 and 1009 Los Vista Drive, Williamson County, Texas.

BACKGROUND:

This request is the second step in the zoning process. On January 27, 2022, the Planning & Zoning Commission unanimously recommended approval of this request. However, Council's consideration is contingent upon approval of a Comprehensive Plan amendment. Consideration of the amendment was postponed from February 3, 2022 to March 3, 2022 due to a meeting cancellation caused by inclement weather. Staff recommended postponing the action portion of this item until March 3, 2022; otherwise, the Council could not consider approval of the request.

HISTORY/TIMELINE:

12/09/2021 - Planning & Zoning Commission – Postponed due to notification error
01/27/2022 - Planning & Zoning Commission, 1st Public Hearing
02/17/2022 - City Council, 2nd Public Hearing

APPLICANT/AGENT:

Texas Land Maps (Matthew Signmon) on behalf of MISHA, Inc (Saiyad Ali)

RECOMMENDATION:

The City Council tabled action on this request so that the request may be heard after the review of the Comprehensive Plan Amendment.

PRESENTER:

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

Attachments

1. Planning Analysis
2. Current Zoning Map
3. Future Land Use Map
4. Public Notice Map
5. Proposed Zoning Map
6. Aerial Map
7. Letter of Intent
8. Floodplain Map
9. Neighborhood Outreach Summary
10. Ordinance
11. P&Z Minutes



PLANNING ANALYSIS

ZONING CASE 21-Z-037 LOS VISTA GAS STATION

GENERAL INFORMATION

Owner/Agent: Texas Land Maps (Matthew Signmon) on behalf of MISHA, Inc (Saiyad Ali)

Current Zoning: LC-2-B (Local Commercial) and SFU/MH-2-B (Single-Family Urban/Manufactured Home)

Proposed Zoning: GC-3-C (General Commercial) and LC-2-A (Local Commercial)

Size and Location: Located on two parcels of land approximately 1.5660 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R035565 and R035563; and addressed as 1007 and 1009 Los Vista Drive, Williamson County, Texas.

Staff Contact: Justin Hunt
Planner

APPLICANT REQUEST

The applicant has submitted a request to change the designated zoning district of their property to general commercial and local commercial in order to develop a gas station and convenience store.

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?

SPECIAL CONSIDERATIONS

This site is located within a Multi-Use Corridor. This corridor does not support the GC (General Commercial) use component. The City has initiated an amendment to the Comprehensive Plan to support the GC use component at intersections within the corridor. This amendment was approved by the Commission and scheduled for the February 3, 2022 City Council Meeting. Approval of this zoning cases is contingent on the approval of the Comprehensive Plan Amendment.

SITE INFORMATION:

ABUTTING ZONING AND LAND USE:

	ZONING	LAND USE
NORTH	GC-3-C	Single-Family Residence
EAST	SFU/MH-2-B	Horizon Baptist Church entrance
SOUTH	SFU/MH-2-B GC-3-C	Single-Family Residence Undeveloped
WEST	GC-3-C	Undeveloped

SURROUNDING AREA:

These two parcels are located along Los Vista Drive near the intersection of S. Bagdad Road. The subject properties are surrounded by single-family homes to the north (GC-3-C), south (SFU/MH-2-B), and the Horizon Baptist Church entrance to the east (SFU/MH-2-B). The remaining properties are located to the south (GC-3-C) and west (GC-3-C) and are undeveloped.

PHYSICAL AND NATURAL FEATURES:

This property contains scattered trees across the lot, it is relatively flat, and is undeveloped. The east most subject property is located in a FEMA flood area. There is one structure on the property, but it seems to be abandoned.



PROPERTY HISTORY:

On April 14, 1969, the parcels were platted with the High Chaparral subdivision.

MAJOR CORRIDORS:

This property has access onto Los Vista Drive.

TRANSPORTATION PLAN REQUIREMENTS:

- Public Streets shall meet roadway sections and pavement design from CAPEC guidelines as per City of Leander latest Transportation Master Plan. If the site is generating more than 2,000 average daily trips, a TIA is required. A fee in lieu of a TIA may be requested at the time of development.

EXISTING UTILITIES:

This property has access to a 6" water line to the west along Los Vista Drive. Nearest sewer line is an 6" waste water line along the south side of Los Vista Drive.

CURRENT LAND USES:

This property is currently undeveloped.

PROPOSED ZONING DISTRICT:**USE COMPONENT****GC – GENERAL COMMERCIAL:**

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

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

LC – LOCAL COMMERCIAL:

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

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

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 B:**

Features: 4 or more architectural features.

Intent:

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

TYPE C (non-residential only):

Features: 3 or more architectural features.

Intent:

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

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

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

Applicable Future Land Use categories**MULTI-USE CORRIDOR**

- The Multi-Use Corridor future development category is intended for mixed-use areas to be developed at a higher density/intensity and with uses not primarily supported in Neighborhood Residential. These areas are intended to provide for a mix of both commercial and residential uses that are not integrated into neighborhoods but maintain a seamless, compatible transition between residential and commercial uses.

Multi-Use Corridors are not intended for strip commercial nor are they expected to be predominantly commercial. These corridors have been identified as opportunity areas for businesses and daily services, high-intensity residential such as townhouses, civic and employment uses, but also traditional single-family neighborhoods where streets access these corridors.

These areas are intended to be developed with an auto-oriented character, which means vehicles and parking areas are a primary visual characteristic from the street. Access management is recommended to maintain safe traffic movement along these streets. Appropriate bufferyards are required to ensure compatibility with adjacent Neighborhood Residential.

DESIRED MIX: 40-60% Non-Residential, 0-40% Residential

ALLOWED USES: SFT, TF, CH LO, LC, GC (Priority Corridors*), PUD

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 1/25/2021. No changes were made to the development proposal prior to official submittal of the rezoning application. Update approval to FLU map if approved GC use at multi-use corridor at any non- priority corridor intersections.

NOTIFICATION

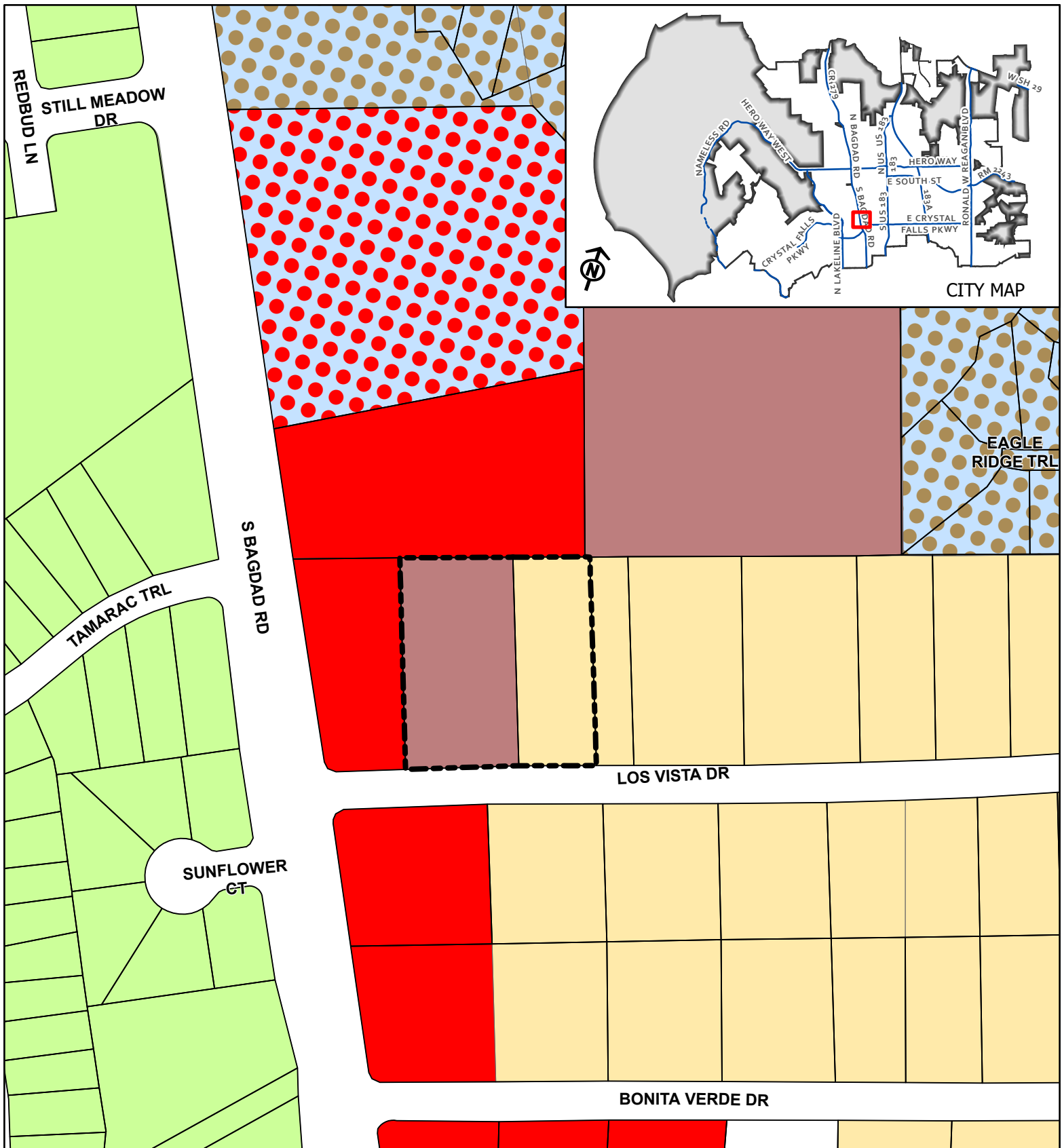
11/18/2021 - Public Notice on Hill Country News
11/19/2021 - Mail Notification to Property Owners within 200'
11/19/2021 - Public Hearing Signage Posted on Property
12/09/2021 - Planning and Zoning Commission Public Hearing
01/06/2021 - City Council Public Hearing & First Reading of the Ordinance
01/20/2022 - City Council Second & Final Reading of the Ordinance

PUBLIC NOTIFICATION:

Notices were mailed by City staff to all property owners within 200 feet. In addition to the city's notification process, the applicant sent out a neighborhood outreach letter to all residential property owners and uses within 500ft of the subject properties.

APPROVAL CRITERIA:

The proposed zoning district would allow for commercial uses at this location. The approval of this zoning change is contingent on the approval of the Comprehensive Plan Amendment. If the Comprehensive Plan Amendment is not approved, then this zoning case will be denied.

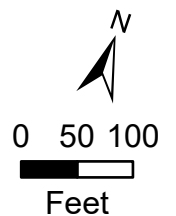


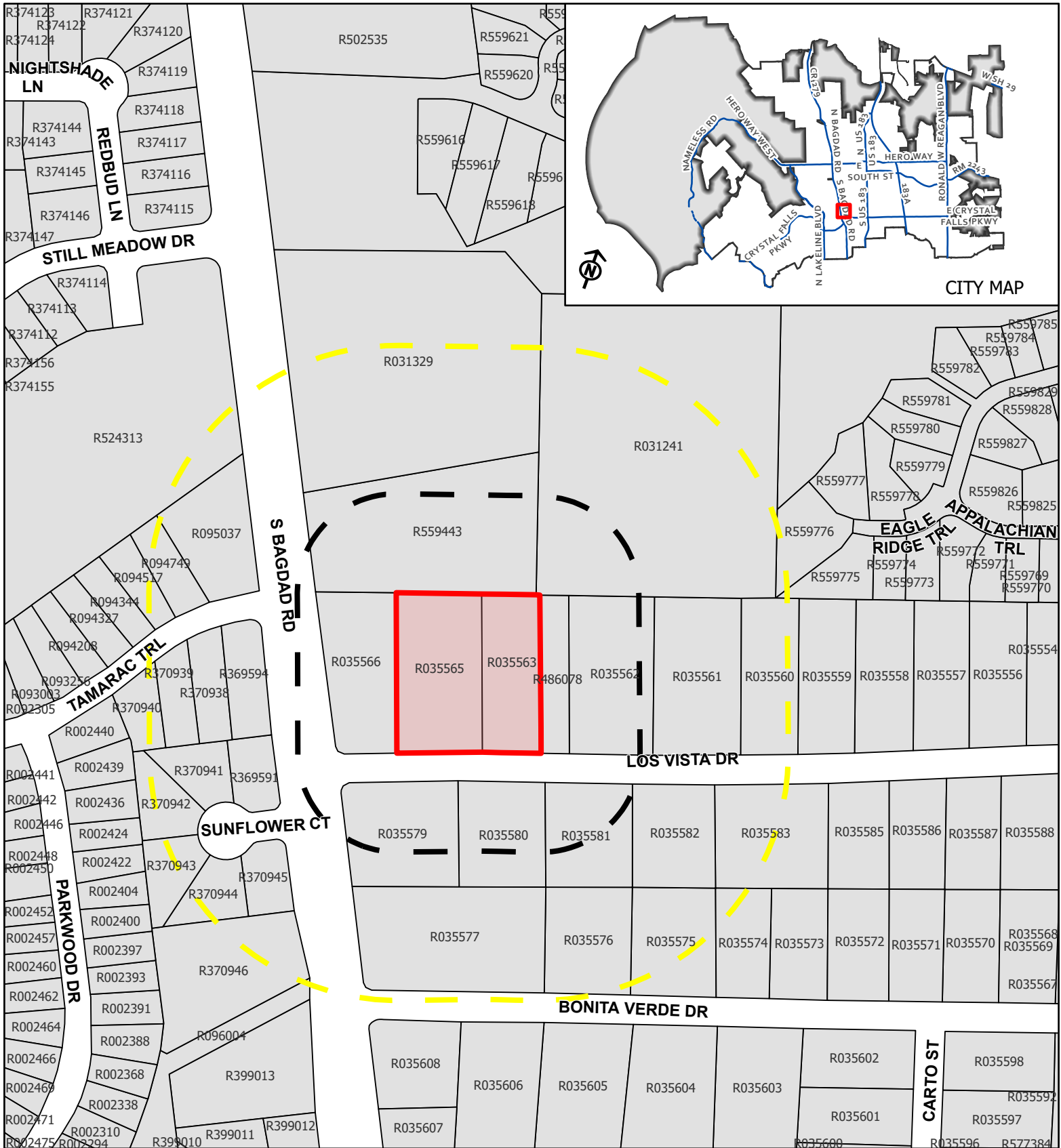
Current Zoning Map

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
- Leander ETJ
- Subject Area
- SFU - Single-Family Urban

- SFU/MH - Single-Family Urban/Manufactured Home
- LC - Local Commercial
- GC - General Commercial
- PUD - Multi-Family
- PUD - General Commercial





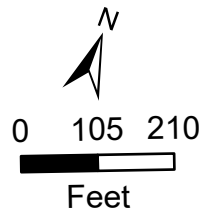
CASE: 21-Z-037

ATTACHMENT #4

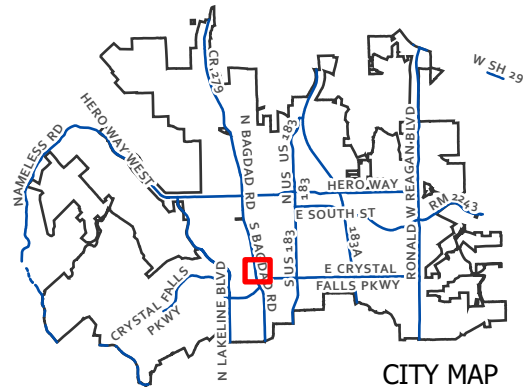
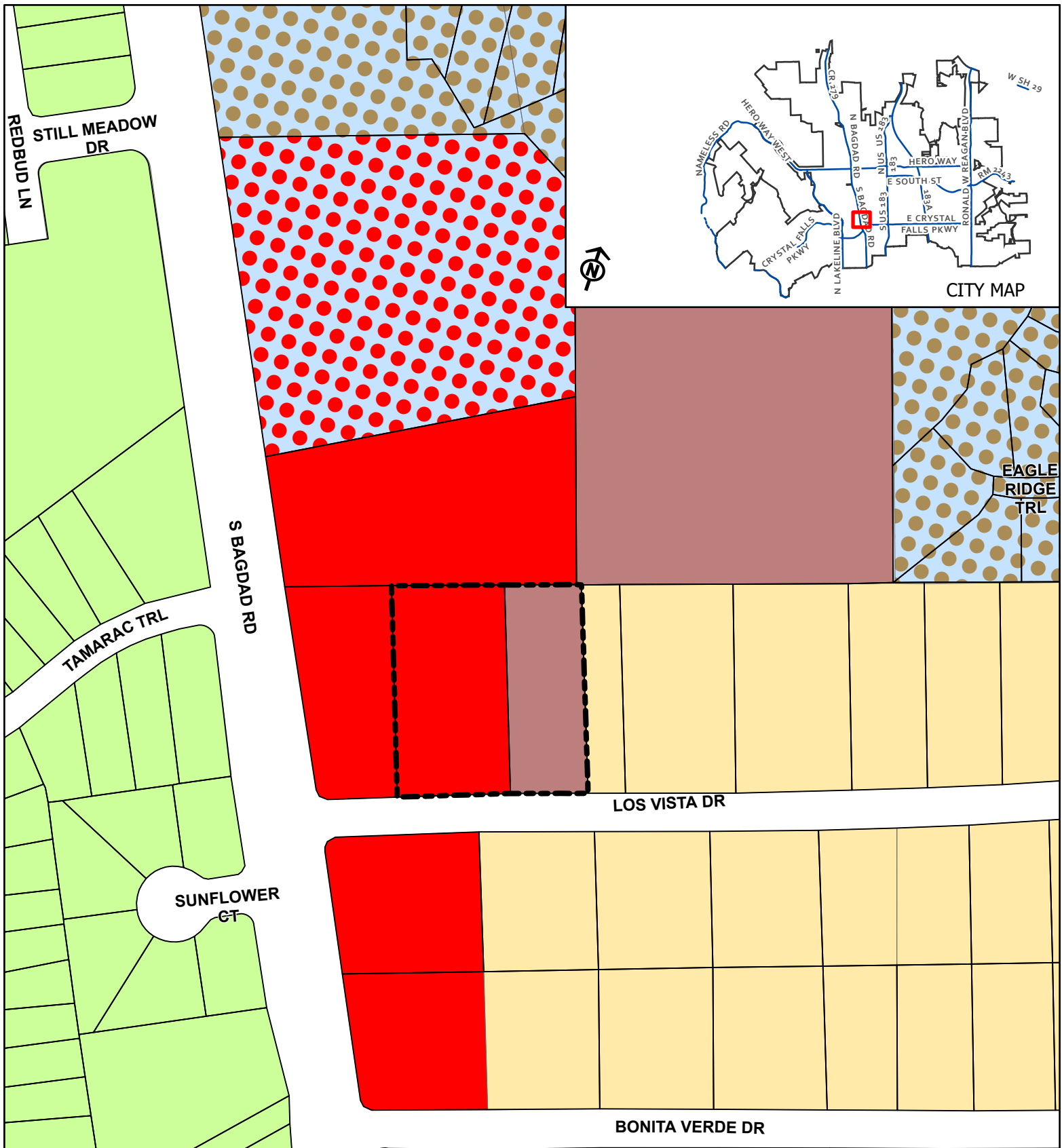
LOS VISTA
GAS STATION

Public Notification 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.



- Subject Area
- 200' Buffer
- 500' Buffer
- Leander City Limits
- Leander ETJ



CASE: 21-Z-037

ATTACHMENT #5

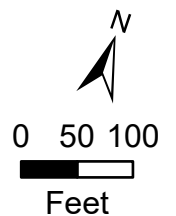
Los Vista
Gas Station

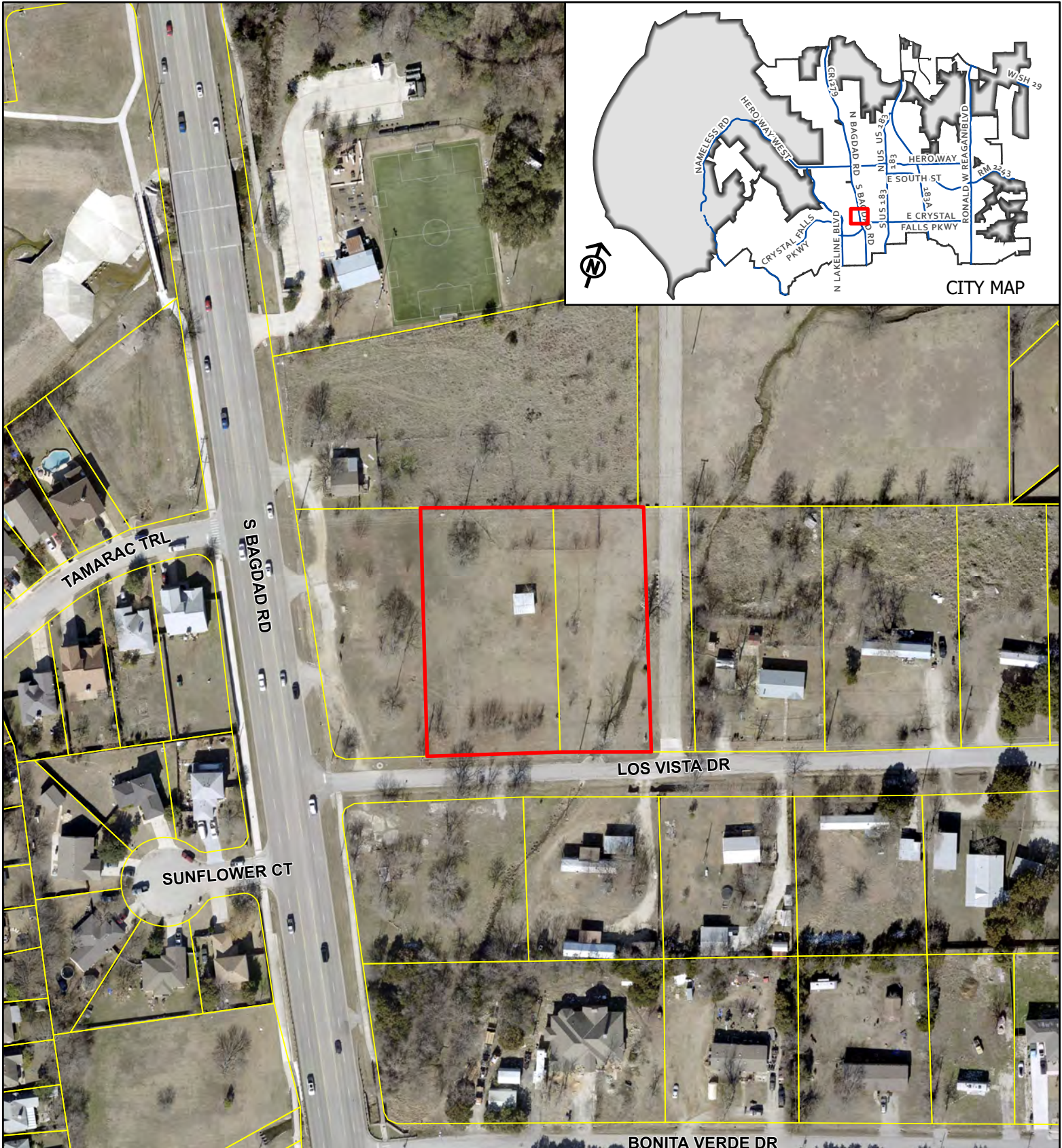
Proposed Zoning Map

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
- Leander ETJ
- Subject Area
- SFU - Single-Family Urban

- SFU/MH - Single-Family Urban/Manufactured Home
- LC - Local Commercial
- GC - General Commercial
- PUD - Multi-Family
- PUD - General Commercial





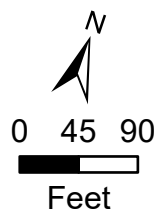
CASE: 21-Z-037

ATTACHMENT #6

Los Vista
Gas Station

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
- Leander ETJ
- Subject Area

Letter of Intent

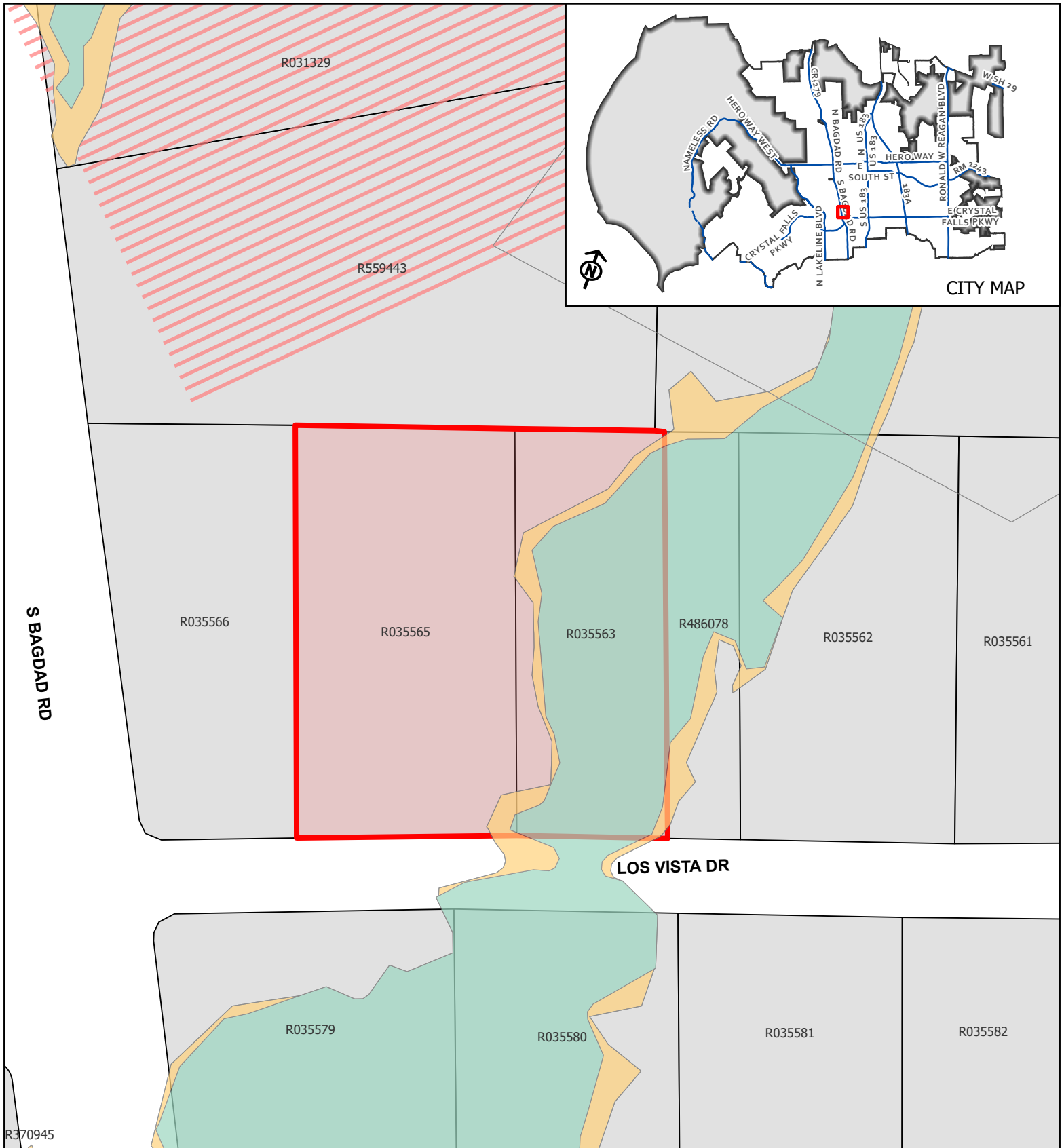
10-11-2021

The existing 1.566 acre tract is made up of 2 lots with 2 different zoning use classifications. Currently Lot 34 is zoned Local Commercial, and Lot 33 is zoned Single Family Residential / Manufactured Homes. The rezoning proposes that the west half of Lot 34 be zoned GC-3-C and Lot 33 and the east half of Lot 34 be zoned as LC-2-B.

The existing land is mostly vacant with an asphalt and gravel drive with access to the tract from Los Vista. Lot 34 contains a small metal shed that is shown on the survey attached with this application. Lot 33 is vacant with the western 100' of the lot inside our plat boundary and the eastern 50' of the lot has been made into an access easement and not part of our project.

The proposed site will divide the existing zoning of the 2 lots. The project will facilitate a gas station with a convenient store as part of the same business. The eastern zone will be used for detention for drainage purposes.

Matthew Sigmon

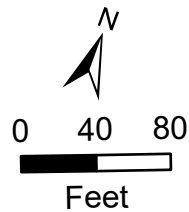


CASE: 21-Z-037

LOS VISTA
GAS STATION

Floodplain 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.



- Subject Area
- Leander City Limits
- ETJ
- AE
- .2 PCT ANNUAL CHANCE FLOOD HAZARD, X
- AREA OF MINIMAL FLOOD HAZARD, X

Texas Land Maps
2205 San Felipe St
Houston, TX 77019

9-30-2021

**Neighborhood Communication Letter for:
Landowners within 500' of proposed zoning change application**

Dear Landowner,

The owners of a nearby property, located at 1107 and 1109 Los Vista Drive, have applied to change the zoning of their property. Their intent is to develop the land to accommodate a Gas Station with a small convenient store on the west half of the tract and provide a detention reserve for a detention pond on the east side of the tract. Currently the vacant tract is zoned Local Commercial on the west side and Single Family Residential / Manufactured Homes on the east side.

The owner believes that developing the land for a "Gas Station with Convenient Store" is the best use of the land and will best serve the surrounding community. Texas Land Maps has been retained to complete the zoning change and will act as the applicant with the City of Leander Planning Department through the zoning change process.

You may contact **Matthew Sigmon with Texas Land Maps at 713-298-9987** should you have any questions or concerns.

Thank you,

Matthew Sigmon
Texas Land Maps
713-298-9987
Matthew@texaslegalmedia.com

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING THE ZONING ORDINANCE BY REZONING TWO PARCELS OF LAND FROM LC-2-B (LOCAL COMMERCIAL) AND SFU/MH-2-B (SINGLE-FAMILY URBAN/MANUFACTURED HOMES) TO GC-3-C (GENERAL COMMERCIAL) AND LC-2-A (LOCAL 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 parcels of land being including 1.566 acres ±; being more particularly described in Exhibit "A"; generally located to the northeast of the intersection of Bagdad Road and Los Vista Drive; identified by Williamson Central Appraisal District tax identification numbers R035565 and R035563; more particularly described in Instrument Number 2021026138 recorded in the Official Public Records of Williamson County, Texas.

SECTION 4. Property Rezoned. The Zoning Ordinance is hereby amended by changing the zoning district for the Property from LC-2-B (Local Commercial) and SFU/MH-2-B (Single-Family/Manufactured Home) to GC-3-C (General Commercial) and LC-2-A (Local Commercial) as shown in Exhibit "A".

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 3rd day of March, 2022.
FINALLY PASSED AND APPROVED on this the 17th day of March, 2022.

ATTEST:

THE CITY OF LEANDER, TEXAS:

Dara Crabtree, City Secretary

Christine DeLisle, Mayor



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

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

January 27, 2022 at 7:00 PM



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

Place 5 – Gary Hampton, Jr.
Place 6 – Laura Lantrip
Place 7 – Rick Carpenter

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

1. Call to Order at 7:00 pm.
2. Roll Call. Reflected all present.
3. Director's report to the Planning & Zoning Commission on actions taken by the City Council at the January 20, 2022 meeting
4. Review of meeting protocol.
5. Citizen Comments: Three (3) minutes allowed per speaker.
[Please turn in speaker request form before the meeting begins.]

CONSENT AGENDA: ACTION

Motion made by Commissioner Ron May, seconded by Vice Chair Donnie Mahan to approve Consent agenda items 6-9.

AYE: Vice Chair Donnie Mahan, Chair John Cosgrove, Commissioner Ron May,
Commissioner Deirdre Moss, Commissioner Gary Hampton, Jr., Commissioner Laura
Lantrip, Commissioner Rick Carpenter

7 - 0 Passed

6. Approval of Subdivision Case 21-SFP-001 regarding SJ&A River Addition Short Form Final Plat on two parcels of land approximately 9.412 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District R549158 and R032202; generally located west of Ronald W. Reagan Blvd. and east of Arapaho Mountain Pass, Leander, Williamson County, Texas.

7. Approval of Subdivision Case 11-SFP-001 regarding Crystal Village Phase One Short Form Final Plat on portions of four parcels of land approximately 17.315 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R432786, R031200, R080605, and R031201; generally located to the southeast of the intersection of E Crystal Falls Pkwy and 183A Toll Road, Leander, Williamson County, Texas.
8. Approval of the Subdivision, Site Development, and Dry Utility Application Forms pursuant to Article IX, Section 9 (a) (1) c. of the Composite Zoning Ordinance; Leander, Williamson & Travis Counties, Texas.
9. Approval of Minutes.

PUBLIC HEARING: ACTION

10. Chair Cosgrove opened a Public Hearing at 7:01 pm and consider action regarding Zoning Case 21-Z-026 to amend the current zoning of SFU/MH-2-B (Single-Family Urban/Manufactured Home) to create the Sky Heights PUD (Planned Unit Development) with a base zoning of SFT-2-B (Single-Family Townhouse) on one parcel of land approximately 2.68 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R036438; legally described as Lot 3, Blk A, Leander Heights Section 2; and more commonly known as 415 Lion Dr, Leander, Williamson County, Texas. No one spoke in favor or opposition of the request. The public hearing closed at 7:07 pm.

- Discuss and consider action regarding Zoning Case 21-Z-026 as described above.

Motion made by Commissioner Laura Lantrip, seconded by Commissioner Deirdre Moss

AYE: Vice Chair Donnie Mahan, Chair John Cosgrove, Commissioner Ron May,
Commissioner Deirdre Moss, Commissioner Gary Hampton, Jr., Commissioner Laura
Lantrip, Commissioner Rick Carpenter

7 - 0 Passed

11. Chair Cosgrove opened a Public Hearing at 7:13 pm and consider action regarding Zoning Case 21-Z-037 to amend the current zoning of LC-2-B (Local Commercial) and SFU/MH-2-B (Single-Family Urban/Manufactured Home) to GC-3-C (General Commercial) and LC-2-A (Local Commercial) on two parcels of land approximately 1.5660 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R035565 and R035563; and addressed as 1007 and 1009 Los Vista Drive, Williamson County, Texas. No one spoke in favor or opposition of the request. The public hearing closed at 7:18 pm.

- Discuss and consider action regarding Zoning Case 21-Z-037 as described above.

Motion made by Vice Chair Donnie Mahan, seconded by Commissioner Laura Lantrip

AYE: Vice Chair Donnie Mahan, Chair John Cosgrove, Commissioner Ron May,
Commissioner Deirdre Moss, Commissioner Gary Hampton, Jr., Commissioner Laura
Lantrip, Commissioner Rick Carpenter

7 - 0 Passed

12. Chair Costrove opened a Public Hearing at 7:23 pm and consider action regarding Zoning Case 21-Z-040 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to LO-2-B (Local Office) on eight parcels of land approximately 27.99 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R031590, R031591, R031592, R031594, R031595, R508113, R508114, and R508115; and addressed as 3250 Hero Way, Leander, Williamson County, Texas. Denise Lewis, 3336 Hero Way Leander, TX 78641 was opposed to this item. Charles Hoskins, 3350 Hero Way Leander, TX 78641 was opposed to this item. The public hearing closed at 7:29 pm.

- Discuss and consider action regarding Zoning Case 21-Z-040 as described above.

Motion made by Commissioner Gary Hampton, Jr., seconded by Vice Chair Donnie Mahan

AYE: Vice Chair Donnie Mahan, Chair John Cosgrove, Commissioner Ron May,
Commissioner Deirdre Moss, Commissioner Gary Hampton, Jr., Commissioner Laura
Lantrip, Commissioner Rick Carpenter

7 - 0 Passed

13. Chair Cosgrove opened a Public Hearing at 7:37 pm and consider action regarding Zoning Case 21-Z-041 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to GC-3-C (General Commercial) on two parcels of land approximately 22.039 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R031358 and R602142; and addressed as 8622 183A Toll Road, Leander, Williamson County, Texas. No one spoke in favor or opposition of the request. The public hearing closed at 7:42 pm.

- Discuss and consider action regarding Zoning Case 21-Z-041 as described above.

Motion made by Commissioner Ron May, seconded by Commissioner Laura Lantrip

AYE: Vice Chair Donnie Mahan, Chair John Cosgrove, Commissioner Ron May,
Commissioner Deirdre Moss, Commissioner Gary Hampton, Jr., Commissioner Laura
Lantrip, Commissioner Rick Carpenter

7 - 0 Passed

14. Chair Cosgrove opened a Public Hearing at 7:45 pm and consider action regarding Zoning Case 21-Z-043 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to GC-2-B (General Commercial) on five parcels of land approximately 33.911 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R555235, R555246, R031297, R555247, R031279; and addressed as 2957, 3345, 3549, & 3919 Hero Way, Leander, Williamson County, Texas. Charles Hoskins, 3350 Hero Way Leander, TX 78641 was opposed to this item. The public hearing closed at 7:51 pm.

- Discuss and consider action regarding Zoning Case 21-Z-043 as described above.

Motion made by Vice Chair Donnie Mahan, seconded by Commissioner Ron May

AYE: Vice Chair Donnie Mahan, Chair John Cosgrove, Commissioner Ron May,
Commissioner Deirdre Moss, Commissioner Gary Hampton, Jr., Commissioner Laura
Lantrip, Commissioner Rick Carpenter

7 - 0 Passed

15. Chair Cosgrove opened a Public Hearing at 7:54 pm and consider action regarding Zoning Case 21-Z-045 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to HC-4-D (Heavy Commercial) on three parcels of land approximately 12.819 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R555216, R319481 and R031282; and addressed as 2871 Hero Way, Leander, Williamson County, Texas. Chalres Hosking, 3350 Hero Way Leander, TX 78641 was opposed to this item. The public hearing closed at 7:58 pm.
- Discuss and consider action regarding Zoning Case 21-Z-045 as described above.

Motion made by Commissioner Rick Carpenter, seconded by Commissioner Deirdre Moss

AYE: Vice Chair Donnie Mahan, Chair John Cosgrove, Commissioner Ron May,
Commissioner Deirdre Moss, Commissioner Gary Hampton, Jr., Commissioner Laura
Lantrip, Commissioner Rick Carpenter

7 - 0 Passed

REGULAR AGENDA

16. Received a presentation from Kimley-Horn & Associates (KHA) regarding the draft land use assumptions and capital improvements plan for the 2022 Roadway Impact Fee Study.
17. Adjournment at 8:47 pm.

APPROVED:

CHAIRMAN COSGROVE

ATTEST:

ELLEN COUFAL
PLANNING & ZONING COMMISSION SECRETARY



EXECUTIVE SUMMARY
03/03/2022

AGENDA SUBJECT:

Discuss and consider action on Development Agreement Case 20-DA-003 regarding the Edgewood Development on four (4) parcels of land approximately 140.239 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R031736, R032138, R496874, and R496876; generally located to the southeast of the intersection of RM 2243 and CR 175 in Leander, Williamson County, Texas.

BACKGROUND:

The purpose in the Edgewood Development Agreement is establish development standards and reimbursements including the following terms:

- a. **Offsite Water Main Project** – An extension of approximately 6,850 linear feet of waterline will be oversized from 12 inch to 16 inch in diameter. This extension will run from the intersection of Ronald W Reagan Blvd at RM 2243 and along CR 175. The developer will fund the project and receive reimbursements for the cost of oversizing through impact fees.
- b. **Offsite Wastewater Main Project** – An extension of approximately 3,000 linear feet of wastewater will be oversized from 8 inch to 12 inch in diameter. This extension will extend southward along CR 175 and then westward connecting to the Brushy Creek Wastewater Interceptor. The developer will fund the project and receive reimbursements for the cost of oversizing through impact fees.
- c. **Temporary Overhead Electric Lines** – The agreement will allow for temporary overhead electric lines as the project development.
- d. **Masonry Requirements** – This agreement requires that the structures are constructed of masonry.
- e. **CR 175 Culvert Crossing** – The agreement requires the developer to replace the existing culvert crossing at the intersection of CR 175 and RR 2243. This crossing will be constructed in lieu of paying roadway adequacy fees for CR 175.

HISTORY/TIMELINE:

10/02/2017 - Zoning Approved
02/23/2021 - Concept Plan Approved
07/22/2021 - Preliminary Plat Approved

APPLICANT/AGENT:

M/I Homes of Austin, LLC and Cannon 140 LP

PRESENTER:

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

Attachments

1. Development Agreement
2. Location Exhibit

DEVELOPMENT AGREEMENT FOR THE EDGEWOOD DEVELOPMENT

This Development Agreement for the Edgewood Development (this “**Agreement**”) is made and entered into, effective as of the ____ day of _____, 2022 (the “**Effective Date**”), by and between the **City of Leander, Texas**, a Texas home rule municipal corporation (the “**City**”), **M/I Homes of Austin, LLC**, an Ohio limited liability company (the “**Developer**”), and **Cannon 140 LP**, a Texas limited partnership (the “**Landowner**”). The Landowner is joining this Agreement solely for the purpose of consenting to the development of the Property pursuant to the terms and conditions contained in the Agreement. The City and the Developer are sometimes referred to herein collectively as the “**Parties**” and individually as a “**Party**”. The Parties agree as follows.

Article I. Purpose; Consideration

1.01. Property. The Developer and Landowner each own portions of the certain 140.239 acre tract located in Williamson County, Texas, being more particularly described in **Exhibit A** attached hereto and incorporated herein for all purposes (the “**Property**”). The Developer intends to purchase and develop the remainder of the Property over time. The Parties agree that all rights and obligations relating to the development of the Property are held uniquely by the Developer. The Property is proposed for development as a single-family subdivision development with approximately 378 dwelling units (the “**Development**”). The Property is located in the City limits and currently has the appropriate zoning for the Development.

1.02. Purpose. The City desires to contract with the Developer to oversize an off-site water main and an off-site wastewater main (collectively, the “**Offsite Infrastructure**”) and certain onsite wastewater improvements, including a force main, lift station, and a gravity wastewater line to serve areas outside of the Property (collectively the “**Onsite Wastewater Infrastructure**”), as more particularly described in Article III below, to serve City customers outside of the Property, with the City rebating water impact fees and wastewater impact fees to the Developer as provided herein to offset the costs incurred by the Developer to oversize the Offsite Infrastructure and Onsite Wastewater Infrastructure. The Offsite Infrastructure and Onsite Wastewater Infrastructure will be conveyed to and operated by the City as part of the City’s utility system upon completion in accordance with the requirements of this Agreement. The Developer wishes to receive impact fee rebates for a portion of the costs of oversized Offsite Infrastructure and Onsite Wastewater Infrastructure to be installed under this Agreement. The Developer further wishes to install overhead electric lines to serve the Property on a temporary basis during development, with the understanding that the overhead electric within the Property will be replaced with underground electric lines per City rules in phases as the Property is developed.

1.03. General Benefits. The City will benefit from this Agreement by virtue of the oversizing of the Offsite Infrastructure and construction of the Onsite Wastewater Infrastructure as provided herein and agrees that the provisions of this Agreement substantially advance a legitimate interest of the City by providing public infrastructure, expanding the tax base of the City, increasing employment, promoting economic development, and stimulating business and commercial activity in the City. The Developer will benefit from this Agreement by virtue of: (i) the water and wastewater service that will be made available to the Property through the use of the City’s water and wastewater utility system, (ii) the water and wastewater impact fee credits provided by the City to the Developer as provided herein to offset the costs incurred by the Developer to oversize the Offsite

Infrastructure, and (iii) the ability to install overhead electric lines to serve the Property on a temporary basis during development.

1.04. Authority. This Agreement is entered into pursuant to the City Charter and applicable Texas law, including the City's authority as a home rule municipality under Article XI, Section 5 of the Texas Constitution.

1.05. Consideration. The benefits to the Parties set forth in this Article I, plus the mutual promises expressed herein, are good and valuable consideration for this Agreement, the sufficiency of which is hereby acknowledged by both Parties.

Article II. Term; Termination

2.01. Term. The term of this Agreement shall be ten (10) years from the Effective Date hereof, subject to earlier termination as provided in this Agreement.

2.02. Termination. The Parties further mutually agree that this Agreement shall be in full force and effect from the Effective Date hereof and that either party may pursue remedies for any default of this Agreement, including termination, in accordance with the provisions of Article X of this Agreement.

Article III. The Project

3.01. Offsite Water Main Project. The offsite water main project consists of the construction, installation, and extension of approximately 6,850 linear feet of offsite water transmission main, oversized from twelve inches (12") to sixteen inches (16") in diameter, from the City's existing sixteen inch (16") water line located at the intersection of Ronald Wilson Reagan Boulevard and RM 2243 east along RM 2243 and then south along CR 175 to the Property, along the route approved by the City and generally shown in blue in **Exhibit B** (the "**Offsite Water Main Project**"). The Offsite Water Main Project includes the water main and those facilities and equipment required for the water main to function efficiently, to provide service to the Property, and to comply with all applicable state and local rules, regulations and standards, the approved construction plans, and good design and engineering practices. The City agrees that the Offsite Water Main Project may be installed within the right-of-way of RM 2243 and CR 175 and Developer agrees to obtain all necessary permits from all applicable regulatory authorities prior to beginning construction of the Offsite Water Main Project.

3.02. Offsite Wastewater Main Project. The offsite wastewater main project consists of the construction, installation, and extension of approximately 3,000 linear feet of offsite wastewater collector main, oversized from eight inches (8") to twelve inches (12") in diameter, southward along CR 175 and then westward through an existing easement to the City's existing thirty-six inch (36") Brushy Creek Wastewater Interceptor, along the route approved by the City and generally shown in green in **Exhibit B** (the "**Offsite Wastewater Main Project**"). The Offsite Wastewater Main Project includes the wastewater main and those facilities and equipment required for the wastewater main to function efficiently, to provide service to the Property, and to comply with all applicable state and local rules, regulations and standards, approved construction plans, and good design and engineering practices.

3.03 Onsite Wastewater Project. The onsite wastewater project consists of the construction

of: (1) a lift station to serve a total of 483 LUEs, oversized to serve an additional 369 offsite LUEs; (2) 1,650 LF of force main, oversized from four inches (4") to six inches (6"); and (3) 3,000 LF of gravity wastewater line, oversized from eight inches (8") to twelve inches (12"), all as generally depicted on **Exhibit C** (the "**Onsite Wastewater Project**"). The Onsite Wastewater Project will be designed and constructed in four (4) separate phases, as depicted on **Exhibit C**. The Onsite Wastewater Project includes the lift station, force main and gravity wastewater line and those facilities and equipment required for the efficient operation of the wastewater system, to provide service to the Property and adjacent properties, and to comply with all applicable state and local rules, regulations, and standards, approved construction plans, and good design and engineering practices.

3.04 Timely Completion. The Offsite Water Main Project, the Offsite Wastewater Main Project, and the Onsite Wastewater Project shall be referred to collectively as the "**Project**". The Developer shall use reasonable efforts to complete and obtain City acceptance of the Project on or before the seven (7) year anniversary of the filing date of the Preliminary Plat. No final plat of land out of the Property will be recorded until the associated segment of the Project required to be completed to provide water and wastewater service to the land within the final plat is completed by the Developer or the Developer posts with the City fiscal surety that complies with the City's subdivision regulations to guarantee completion of the Project. The Developer may construct the Project in one or more phases. Each phase of the Project shall be completed by Developer and Developer shall obtain City acceptance of the Project in accordance with the procedures and time frames set forth in the City's Subdivision Ordinance. The Project shall be designed and constructed in accordance with the approved construction plans, this Agreement, applicable local, state, and federal regulations, and good design and engineering practices. The Parties agree that the Developer is not required to oversize any internal water or wastewater utility infrastructure under this Agreement, unless otherwise provided in this Agreement.

Article IV. Project Engineer; Bidding of Project

4.01. Project Engineer. The Developer will retain a licensed professional engineer to prepare the design, construction plans and specifications, and supporting documentation for the Project in accordance with good engineering practices, the design and construction standards of all applicable state and local regulations, and this Agreement ("**Project Engineer**"). The Project Engineer will work and coordinate with the City Engineer to obtain the timely review and approval by the Developer, the City Engineer, and the Director of Development Services of the design, plans, specifications, and construction of the Project. The Developer shall be responsible for ensuring that the Project Engineer complies with the terms of this Agreement, including with regard to the responsibilities assigned to the Project Engineer herein.

4.02. Bidding for the Project.

(a) The Project Engineer will advertise the Project for sealed competitive bids in compliance with the Texas Local Government Code based on the City Engineer approved design and plans and specifications, and will recommend the lowest qualified bidder/contractor to the Developer and the City. The Project Engineer will provide the City Engineer and the City's purchasing agent with: (i) prior written notice of the dates of advertisement for bids and the opening of the bids; and (ii) a copy of the advertisement for bids. Notwithstanding anything contained herein to the contrary, the Developer is responsible for bidding the Project in compliance with Chapter 252,

Texas Local Government Code. The Developer will utilize a unit price contract for the Project. The Project includes the components described in subsections (a)(1), (2), and (3) below:

(1) The Offsite Water Main Project will be advertised for bids with an alternate bid being required for a twelve inch (12") water main ("**Offsite Water Main Alternate #1**") and an alternate bid being required for a sixteen inch (16") water main ("**Offsite Wastewater Main Alternate #2**"), together, in each case, with all equipment and related facilities and structures shown on the City approved plans and specifications for the Offsite Water Main Project. The responsive bids must clearly and separately demonstrate the amounts bid for the Offsite Water Main Project (Offsite Water Main Alternates #1 and #2).

(2) The Offsite Wastewater Main Project will be advertised for bids with an alternate bid being required for an eight inch (8") wastewater collector main ("**Offsite Wastewater Main Alternate #1**") and an alternate bid being required for a twelve inch (12") wastewater collector main ("**Offsite Wastewater Main Alternate #2**"), together, in each case, with all equipment and related facilities and structures shown on the City approved plans and specifications for the Offsite Wastewater Main Project. The responsive bids must clearly and separately demonstrate the amounts bid for the Offsite Wastewater Main Project (Offsite Wastewater Main Alternates #1 and #2).

(3) The Onsite Wastewater Project will be advertised for bids with an alternate bid being required for: a lift station serving 114 LUEs in the Property, a four (4") inch force main, and an eight (8") gravity wastewater line ("**Onsite Wastewater Project Alternate #1**") and an alternative bid being required for a lift station serving 483 LUEs (to serve the Property and additional off-site connections), a six (6") inch force main, and a twelve (12") gravity wastewater line ("**Onsite Wastewater Project Alternate #2**"), together, in each case, with all equipment and related facilities and structures shown on the City approved plans and specifications for the Onsite Wastewater Project. The responsive bids must clearly and separately demonstrate the amounts bid for the Onsite Wastewater Project (Onsite Wastewater Alternates #1 and #2). It is anticipated that the Onsite Wastewater Project will be designed, bid, and constructed in four different phases.

(b) The City Engineer shall within a reasonable time evaluate the bids for the Project to determine whether the bids are fair and balanced prior to accepting a recommendation of bid award. Any unbalanced or skewed bids, as determined by bid tabulations, may be appropriately corrected or rejected by the City Engineer. The City Engineer will approve the award of the contract to the lowest qualified bidder/contractor, as recommended by the Project Engineer, and to proceed with the Project if the City Engineer determines that the bids for the Project are fair and balanced, after correcting or rejecting any unbalanced or skewed bids.

(c) Within ten (10) business days after the City's receipt of the bids described in subsection 4.02(a)(1), (2), and (3), the City Engineer will notify the Developer of his/her decision on whether to recommend approval or rejection of a bid and whether the City elects to proceed with the oversizing of each portion of the Project. If the City Engineer recommends approval of the bid relating to the oversizing of a portion of the Project, then the approval of the bid will be placed on the next available City Council agenda for action, not to exceed forty five (45) business days from the date the City received the bid, and the City shall not unnecessarily delay in the consideration of the approval of the bid. If the City approves a bid, as presented, that includes the oversizing of

a portion of the Project, the Developer shall be eligible to receive Impact Fee Rebates for the Reimbursable Costs, as described in Section 5.02. To the extent the City approves a bid(s) that includes the oversizing of a portion of the Project, the Developer may award a contract to a bidder/contractor that was not the lowest qualified bidder/contractor for the portion of the Project to be oversized. However, Developer shall only be eligible to receive Impact Fee Rebates for Reimbursable Costs that correspond to the bid(s) approved by the City, as contemplated in Section 5.02, and not for any amounts that exceed the bid approved by the City.

(d) If the City Engineer recommends rejection of all of the bids, then the Developer will have the right to terminate this Agreement upon written notice to the City without any liability or penalty therefor.

Article V. Cost of the Project; Reimbursable Costs

5.01. Project Facilities Costs and Expenses. The Developer shall contract for, fund, and pay for the design, bidding, contract negotiation, installation, and construction of the Project and shall be entitled to Impact Fee Rebates, as defined and provided in Article VI below, of up to one hundred percent (100%) of the Reimbursable Costs (defined in Section 5.02 below) from the City, based on the oversizing of the Project, as provided in Section 4.02 above, subject to the provisions and limitations set forth in this Agreement.

5.02. Reimbursable Costs. The “**Reimbursable Costs**” for the Project shall include the following expenditures:

- (a) the difference between the dollar amount of the approved bid for the Offsite Water Main Alternate #1 and the dollar amount of the approved bid for the Offsite Water Main Alternate #2;
- (b) the difference between the dollar amount of the approved bid for the Offsite Wastewater Main Alternate #1 and the dollar amount of the approved bid for the Offsite Wastewater Main Alternate #2;
- (c) the difference between the dollar amount of the approved bid for the Onsite Wastewater Project Alternate #1 and the dollar amount of the approved bid for the Onsite Wastewater Project Alternate #2;
- (d) the City’s approval of any Project cost overruns, as further described in Section 5.04; and
- (e) all other necessary and reasonable out of pocket costs expended by the Developer and approved by the City, provided that all such sums and amounts shall have been approved by the City Council prior to the Developer commencing work in connection with the Project. Developer shall not receive or be entitled to receive any Impact Fee Rebates or reimbursements for any of the costs attributable to any portion of the Project that is not oversized and installed and constructed by Developer, unless otherwise noted in this Agreement.

5.04. Project Cost Overruns. To the extent the actual costs of the Project exceed the costs included in the bids approved by the City under Section 4.02(c), the Developer may request that the City Engineer review all invoices, change orders, pay applications, receipts, and/or other relevant documentation relating to the actual costs for the Project. The City Engineer will review all documentation relating to the increased costs of the Project within thirty (30) days of the

Developer's request. Upon the approval of the increased actual costs of the Project by the City Engineer, the City Council will consider an item at their next regularly scheduled meeting to amend the total amount of the Reimbursable Costs for the Project to account for increased costs relating to the Project. If the total amount of Reimbursable Costs is amended, the City will adjust the payment of Impact Fee Rebates accordingly, as described in Article VI.

Article VI. Collection and Payment of Impact Fees

6.01. Payment of Impact Fees. Developer, its grantees, successors, assigns, and subsequent purchasers of any portion of the Property, agree that each lot, tract, parcel or building site within the Property that will be provided water and wastewater service by the City shall be required to pay the City's water impact fee (the "**Water Impact Fee**") and the City's wastewater impact fee (the "**Wastewater Impact Fee**"), established pursuant to Chapter 395 of the Texas Local Government Code, in the amount that is established by the City Capital Improvements Plan and City ordinance, as amended, from time to time, and that is in effect when the fee is paid. The Water Impact Fee and the Wastewater Impact Fee are referred to collectively as the "**Impact Fees**". The Impact Fees shall be payable with respect to a lot, tract, parcel, or building site at the time the building permit for each building or structure is applied for or, if no building permit is required, then upon the first to occur of the following: (a) the date construction of the building or structure is first commenced, (b) the date an application is made to the City for a water connection to serve the building or structure, or (c) the date water service is requested for the lot, tract or parcel of land.

6.02. Water Impact Fee Rebates. Subject to the terms, conditions and limitations of this Agreement, during the Term of this Agreement, Developer shall receive a rebate of sixty percent (60%) of the Water Impact Fees paid to the City for connections to the City water utility system within: (i) the Property; and (ii) within land or developments that connect to the Project by a direct connection or by a water line that is not listed and included in the City capital improvements plan and ordinance that establishes the Water Impact Fees (the "**Water Impact Fee Rebates**"). The Water Impact Fee Rebates will terminate on the earlier to occur of: (i) Developer receiving Water Impact Fee Rebates, or a combination of Water Impact Fee Rebates and one or more payments from the City equal to the Reimbursable Costs for the water improvements described in Section 5.02(a)(1); (ii) the expiration of this Agreement; or (iii) the termination of this Agreement by reason of a Developer default. The City may at any time, in its sole discretion, pay the Developer the balance of the Reimbursable Costs for the water improvements from any source of funds available to the City in one or more lump sum payments.

6.03. Wastewater Impact Fee Rebates. Subject to the terms, conditions and limitations of this Agreement, during the Term of this Agreement, Developer shall receive a rebate of sixty percent (60%) of the Wastewater Impact Fees paid to the City for connections to the City wastewater utility system within: (i) the Property; and (ii) within land or developments that connect to the Project by a direct connection or by a wastewater line that is not listed and included in the City capital improvements plan and ordinance that establishes the Wastewater Impact Fees (the "**Wastewater Impact Fee Rebates**"). The Wastewater Impact Fee Rebates will terminate on the earlier to occur of: (i) Developer receiving Wastewater Impact Fee Rebates, or a combination of Wastewater Impact Fee Rebates and one or more payments from the City equal to the Reimbursable Costs for the wastewater improvements described in 5.02(a)(2) and (3); (ii) the expiration of this Agreement; or (iii) the termination of this Agreement by reason of a Developer default. The City may at any time,

in its sole discretion, pay the Developer the balance of the Reimbursable Costs for the wastewater improvements from any source of funds available to the City in one or more lump sum payments. The Water Impact Fee Rebates and Wastewater Impact Fee Rebates will be collectively referred to as the “**Impact Fee Rebates**”.

6.04. Suspension of Impact Fee Rebates. The City may suspend payment of Impact Fee Rebates if Developer is in default of this Agreement until such time that Developer cures the default.

6.05. Escrow Accounts. Commencing on the Effective Date and continuing until the Water Impact Fee Rebates and the Wastewater Impact Fee Rebates have been fully paid to the Developer in accordance with this Agreement, the City will maintain a separate escrow account for the Water Impact Fees (the “**Water Escrow Account**”) and a separate escrow account for Wastewater Impact Fees (the “**Wastewater Escrow Account**”). The City will deposit into the Water Escrow Account sixty percent (60%) of the Water Impact Fees paid to and received by the City for water connections listed in Section 6.02. The City will deposit into the Wastewater Escrow Account sixty percent (60%) of the Wastewater Impact Fees paid to and received by the City for wastewater connections listed in Section 6.03. The Water Escrow Account and the Wastewater Escrow Account will be held by the City and the Water Impact Fee Rebates and the Wastewater Impact Fee Rebates paid out to Developer as provided in this Agreement. Payments of Water Impact Fee Rebates and the Wastewater Fee Impact Fee Rebates to Developer shall begin after Developer completes and obtains City acceptance of the Offsite Water Main Project and the Offsite Wastewater Main Project

6.06. Payment of Water Impact Fee Rebates. Water Impact Fee Rebates will be paid by the City to Developer quarterly in arrears. Water Impact Fee Rebates will be paid on or before the 15th day of each April, July, October and January following the calendar quarter in which the City receives the Water Impact Fees. The payments will be in an amount equal to sixty percent (60%) of the Water Impact Fees collected by City during the three (3) calendar months preceding the month the scheduled payment is due and payable. Developer shall not receive Water Impact Fee Rebates that are in excess of the Reimbursable Costs of the water improvements.

6.07. Payment of Wastewater Impact Fee Rebates. Wastewater Impact Fee Rebates will be paid by the City to Developer quarterly in arrears. Wastewater Impact Fee Rebates will be paid on or before the 15th day of each April, July, October and January following the calendar quarter in which the City receives the Wastewater Impact Fees. The payments will be in an amount equal to sixty percent (60%) of the Wastewater Impact Fees collected by City during the three (3) calendar months preceding the month the scheduled payment is due and payable. The Developer shall not receive Wastewater Impact Fee Rebates that are in excess of the Reimbursable Costs of the wastewater improvements.

Article VII. Development of the Property

7.01. Vesting. Subject to the terms and conditions of this Agreement, the City confirms, acknowledges and agrees that Developer has vested authority to develop the Property in accordance with the Applicable Regulations, as modified by this Agreement and any subsequently approved modifications, waivers or variances to City ordinances, notwithstanding any subsequently adopted ordinances, rules or regulations, or changes or modifications to the City’s ordinances, rules and regulations which will only be applicable to the extent allowed by Chapter 245, Texas Local Government Code (the “**Vested Rights**”), provided that the Vested Rights will terminate and expire in the event that: (1) Developer, or its successors or assigns with respect to

any affected portion of the Property, agrees in writing to such modification or revocation; (2) Developer fails to complete and obtain final City acceptance of one or more subdivision sections out of the Property within five years after the Effective Date, or thereafter abandons development of the Property; (3) an application for an amendment of the concept plan for the Property is submitted by Developer that substantially changes the density, land uses, parkland or transportation improvements from that approved by the City as contemplated by this Agreement; or (4) State law or court order mandates otherwise. The Concept Plan for the Property approved by the City on February 23, 2021 is attached as **Exhibit D**. Except as modified by this Agreement, the Property will be developed in compliance with the Applicable Regulations, and the City hereby confirms, acknowledges, and agrees that the Developer has vested authority to develop the Property in accordance with the Applicable Regulations, as modified by this Agreement. If there is any conflict between the Applicable Regulations, as defined herein, and the terms of this Agreement, the terms of this Agreement will control. As used in this Agreement, “abandons development of the Property” or “abandons the project” means that Developer commences the development of a subdivision section within the Property for which all required permits have been issued, but fails to complete such development within five years thereafter.

7.02. Development of the Property. Except as modified by this Agreement, the Property will be developed in accordance with all applicable City, State, and federal regulations as of the Effective Date (collectively, the “**Applicable Regulations**”), as well as good engineering practices. Ordinances, rules, or regulations, or changes or modifications to the City’s ordinances, rules, and regulations adopted after the Effective Date will only be applicable to the extent permitted by Chapter 245, Texas Local Government Code.

7.03. Temporary Overhead Electric Lines. It is acknowledged that there is minimal electric infrastructure in the area of this Development and that there exists a public necessity for electric infrastructure. In order to facilitate the installation of electric infrastructure to serve the area in which the Property is located, the City agrees that, instead of initially installing underground electric lines, as would otherwise be required by the Applicable Regulations, the Developer may instead install offsite and onsite overhead electric lines to serve the Property, as depicted in the attached **Exhibit E**; provided, however, that, as each phase of the Property is developed, the Developer will be required to cause the onsite overhead electric lines within such phase to be replaced with underground electric lines in accordance with the Applicable Regulations. The Developer will not be required to cause any offsite overhead electric lines to be replaced with underground electric lines. All of the costs and expenses associated with the installation of onsite and offsite, overhead, and underground electric lines for the Development shall be paid by the Developer.

7.04. Masonry Requirements. For purposes of this Agreement and the Applicable Regulations, the definition of “masonry” shall include stone, brick, or stucco. The exterior wall standards set forth in this section shall apply to all structures located on the Property. At least eighty-five percent (85%) of the combined exterior surface area of all walls, including all stories of primary buildings / structures, shall consist of stone, brick, painted or tinted stucco, or similar material approved by the Director of Planning.

7.05. County Road 175 Culvert Crossing; Roadway Adequacy Fee. In addition to the construction of the Project, the Developer agrees to replace the existing culvert crossing (the “**Culvert Improvements**”) located approximately 4,850 feet south of the intersection of RR 2243

and CR 175 to convey 25-year stormwater flow, as defined by the City of Leander Code of Ordinances. The Culvert Improvements will be constructed at the location and pursuant to the specifications included in the attached **Exhibit F** and the City of Leander Standard Construction Details adopted on January 6, 2021. The parties agree that, pursuant to Section 10.03.003(c), City of Leander Code of Ordinances, the Developer shall be responsible for a roadway adequacy fee relating to the Development. The City Engineer will timely review all payments undertaken by the Developer relating to the design and construction of the Culvert Improvements. Upon approval by the City Engineer of such payments, the City will provide a credit to the Developer to offset any payments then due (or coming due) to the City relating to the applicable roadway adequacy fee for the Development. In the event that costs relating to the Culvert Improvements exceed the total amount of the roadway adequacy fee for the Development, the City agrees to waive the entirety of the fee and the Developer agrees to bear any costs in excess of the fee.

Article VIII. Additional Agreements

8.01. Additional City Agreements. The City hereby agrees:

- (a) to coordinate with the Project Engineer on specific design requirements and specifications; and to review, and to approve and sign the plans and specifications for the Project in a timely manner;
- (b) to review and approve the plans, specifications, bids for, and costs of the Project in a timely manner;
- (c) during the course of the Project, to review, approve and sign necessary and appropriate change orders in a timely manner; to perform all inspections of the Project in a timely manner; and to approve the Project and Project Costs, including the Reimbursable Costs, in a timely manner if constructed in accordance with the City approved plans and specifications;
- (d) after completion and final acceptance by the City of the Project as constructed, to accept the Project as part of the City's water utility system and wastewater utility system, as applicable, and use the Project to provide water and wastewater service within the Property on the same terms and conditions as the City serves similarly situated and occupied properties;
- (e) after the Developer completes construction and obtains City acceptance of the Project and upon the Developer completing construction of a phase or section of the Development in compliance with this Agreement and the City giving final acceptance of that phase or section, the City will approve connections to the water system and the wastewater system, as appropriate, apply the payment of Impact Fees, as described in Section 6.01, pay Impact Fee Rebates, as described in Section 6.06 and 6.07, and provide such services within the completed phase or section of the subdivision on the same terms and conditions as then provided within other areas of the City;
- (f) to review and process the applications made, and the plans and specifications submitted, by the Developer with respect to the Development in a timely manner;
- (g) to provide use of all necessary City rights-of-way and easements as may be necessary for construction of the Project. ; and

- (h) to timely perform and complete each task, duty, and responsibility of the City set forth in this Agreement.

8.02. Additional Developer Agreements. The Developer hereby agrees:

- (a) to contract with the Project Engineer for the design, preparation of the plans and specifications, and the provision of the services anticipated to be performed by the Project Engineer for the Project pursuant to and in compliance with Article IV;
- (b) to review and approve the plans and specifications for the Project (including the estimated cost of the Project), and to advise the City Engineer as to any perceived error, defect, or insufficiency prior to approving any such plans and specifications;
- (c) to work and coordinate with the City so that the City can assure that the improvements constituting the Project are eligible for funding with capital impact fees pursuant to the City's capital impact fee ordinance, prior to the execution of any contract for construction;
- (d) to enter into a contract with an appropriate contractor approved by the City pursuant to competitive bids approved by the City and the Developer for construction of the Project in accordance with the procedures set forth in this Agreement;
- (e) to dedicate the improvements constituting the Project, as applicable, to the City upon completion of same in accordance with the plans and specifications therefor and this Agreement;
- (f) to pay, or to cause its successors and assigns to pay, the City's water and wastewater impact fees the City establishes by ordinance for each lot, tract, parcel or building site in the Subdivision prior to utility service being provided to such lot, tract, parcel or building site, unless the City has elected instead to credit some or all of the amount of the unreimbursed Reimbursable Costs, as herein defined, against the amount of such fees that would otherwise be owed to the City, in which event Developer, its successors and assigns shall pay the amount of such fees not credited;
- (g) to pay, or cause its successors and assigns to pay, to the City, unless otherwise provided by this Agreement, all other fees and charges provided for or established by the Applicable Regulations for or with respect to the development of the Property when due, including, but not limited to, zoning and subdivision application fees, building permit fees, and water and water tap and use fees and impact fees;
- (h) to timely perform and complete each task, duty and responsibility of the Developer set forth in this Agreement; and
- (i) to pay the City all legal fees incurred by the City in the negotiating and drafting of this Agreement.

Article IX. Assignment of Commitments and Obligations

9.01. Developer Assignment of Agreement. The Developer's rights and obligations under this Agreement may be assigned by the Developer to one (1) or more purchasers of all or part of the Property; provided the City Council of the City must first approve and consent to any such assignment by the Developer of this Agreement or of any right or duty of the Developer pursuant to this Agreement; which consent shall not be unreasonably withheld or delayed. The City hereby expressly consents to and approves any future assignment of the Developer's rights and obligations under this Agreement (wholly or partially) to Landowner and agrees that no further consent to any such assignment to Landowner will be necessary; however, a copy of such assignment must be delivered to the City within ten (10) business days of execution. If the Developer assigns its rights and obligations hereunder as to a portion of the Property in accordance with the terms of this Agreement, then the rights and obligations of any assignee and the Developer will be severable, and the Developer will not be liable for the nonperformance of the assignee and vice versa. In the case of nonperformance by one Developer, the City may pursue all remedies against that nonperforming Developer(s), but will not impede development activities of any performing Developer as a result of that nonperformance.

9.02. Binding Obligations. This Agreement shall be binding upon and inure to the benefit of the Parties and their successors and permitted assigns; however, this Agreement is not intended to and will expressly not encumber any platted single family residential lot within the Property that has been improved with a residence constructed thereon.

Article X. Default and Related Provisions

10.01. 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 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 a default not cured within the applicable time period set forth above, the non-defaulting Party may terminate this Agreement or seek other equitable relief not inconsistent with this Agreement, including, without limitation, specific performance, to enforce the terms of this Agreement. 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.

10.02. 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.

10.03. Attorneys' Fees. A Party shall not be liable to the other Party for attorney fees or costs incurred in connection with any litigation between the Parties, in which a Party seeks to obtain a remedy from the other Party, including appeals and post judgment awards.

10.04. 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.

10.05. 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 any of 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.

Article XI. Notices

11.01. 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
201 N. Brushy Street
P.O. Box 319
Leander, Texas 78646-0319

with copy to:

The Knight Law Firm, LLP
Attn: Paige H. Saenz
223 West Anderson Lane, #A105
Austin, Texas 78752

Any notice mailed to the Developer shall be addressed:

M/I Homes of Austin, LLC
Attn: Ruth Waters
405 State Hwy. 121, Suite A-110
Lewisville, Texas 75067

with copy to:

Cannon 140 LP
Attn: Terry Guerin
202 Picea Drive
Lakeway, Texas 78734

And

Singleton Cooksey PLLC
Attn.: Robert H. Singleton, Jr.
6363 Woodway, Suite 600
Houston, Texas 77057

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

Article XII. Miscellaneous Provisions

12.01. The Parties acknowledge that the mutual promises and obligations of the Parties expressed herein are good, valuable, and sufficient consideration for this Agreement. The Parties further acknowledge that the City and the Developer voluntarily elected the benefits and obligations of this Agreement, as opposed to the benefits available were the Developer to have elected to develop the Property without the benefits and obligations of this Agreement, pursuant to and in compliance with the applicable City ordinances. 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 that 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.

12.02. This Agreement, together with any exhibits attached hereto, constitutes the entire

agreement between Parties with respect to the subject matter hereof 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.

12.03. 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.

12.04. 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 Developer.

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

12.06. This Agreement shall be recorded in the Official Public Records of Williamson County, Texas within ninety (90) days after the Effective Date.

12.07. 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.

12.08. To the extent this Agreement constitutes a contract for goods or services within the meaning of Section 2270.002 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 the 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.

12.09. To the extent this Agreement constitute a governmental contract within the meaning of Section 2252.151 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, the Developer represents that the Developer nor any wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of the Developer is a company listed by the Texas Comptroller of Public Accounts under Sections 2270.0201, or 2252.153 of the Texas Government Code. Further, 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 2252.153 of the Texas Government Code.

12.10. To the extent the Agreement constitutes a contract for goods or services within the meaning of Section 2274 of the Texas Government Code, as amended, solely for purposes of compliance with therewith, and subject to applicable Federal law, the Developer represents that the Developer and all wholly owned subsidiary, majority-owned subsidiary, parent company and affiliates of Developer do not, and will not for the duration of this agreement, have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association. Further, the Owner represents that the Owner and all wholly owned subsidiary, majority-owned subsidiary, parent company and affiliates of Owner do not, and will not for the duration of this agreement, have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association. The phrase “Discriminates Against a Firearm Entity or Firearm Trade Association” as used in this paragraph have the meanings assigned to the phrase “Discriminate Against a Firearm Entity or Firearm Trade Association” in Section 2274.001(3) of the Texas Government Code, as amended.

12.11. To the extent the Agreement constitutes a contract for goods or services within the meaning of Section 2274 of the Texas Government Code, as amended, solely for purposes of compliance with therewith, 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 energy companies or (ii) will boycott energy companies through the term of this Agreement. The phrase “Boycott Energy Companies” as used in this paragraph have the meanings assigned to the phrase “Boycott Energy Company” in Section 809.001 of the Texas Government Code, as amended.

12.12. It is acknowledged and agreed by the Parties that time is of the essence in the performance of this Agreement.

12.13. The City and the Developer each agree to execute such further documents or instruments as may be necessary to evidence their agreements hereunder.

12.14. To facilitate execution, this Agreement may be executed in any number of counterparts. All executed counterparts of this instrument will be deemed to be originals, and all such counterparts, when taken together, will constitute one and the same agreement.

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

<u>Exhibit A</u>	-	Property Description
<u>Exhibit B</u>	-	General Route of Offsite Water Main Project and Offsite Wastewater Main Project
<u>Exhibit C</u>	-	Onsite Wastewater Project
<u>Exhibit D</u>	-	Approved Concept Plan
<u>Exhibit E</u>	-	Electricity Lines
<u>Exhibit F</u>	-	CR 175 Culvert Improvements

[signature pages follow]

EXECUTED in multiple originals this the ____ day of _____, 2022.

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 WILLIAMSON §

This instrument was acknowledged before me on this ____ day of _____, 2022,
by Christine DeLisle, Mayor of the City of Leander, Texas, a Texas home-rule municipal
corporation, on behalf of said corporation.

(SEAL)

Notary Public, State of Texas

LANDOWNER:

Cannon 140 LP,
a Texas limited partnership

By: Cannon 140 GP, LLC,
a Texas limited liability company,
its General Partner

By: _____

Name: _____

Title: _____

THE STATE OF TEXAS §
COUNTY OF _____ §

This instrument was acknowledged before me on this ____ day of _____, 2022,
by _____, _____ of Cannon 140 GP, LLC, a Texas limited liability
company, General Partner of Cannon 140 LP, a Texas limited partnership, on behalf of said limited
liability company and limited partnership.

(SEAL)

Notary Public, State of Texas

DEVELOPER:

M/I Homes of Austin, LLC
an Ohio limited partnership

By: _____
Name: _____
Title: _____

THE STATE OF TEXAS §
COUNTY OF _____ §

This instrument was acknowledged before me on this ____ day of _____, 2022,
by _____, _____ of M/I Homes of Austin, LLC, an Ohio limited
liability company, on behalf of said limited liability company.

(SEAL)

Notary Public, State of Texas

Description of Property

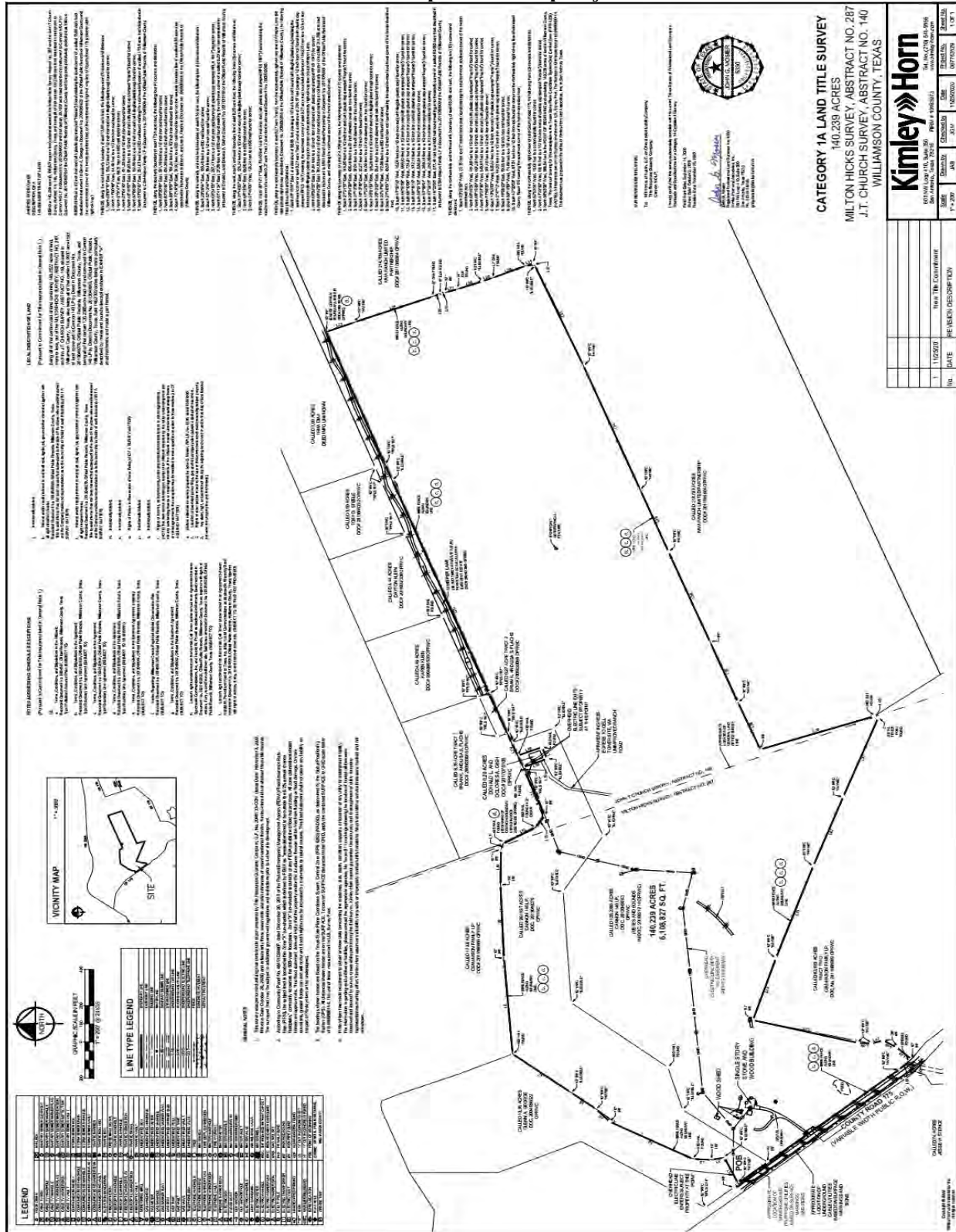


EXHIBIT B **General Route of Offsite Water Main Project and Offsite Wastewater Main Project**

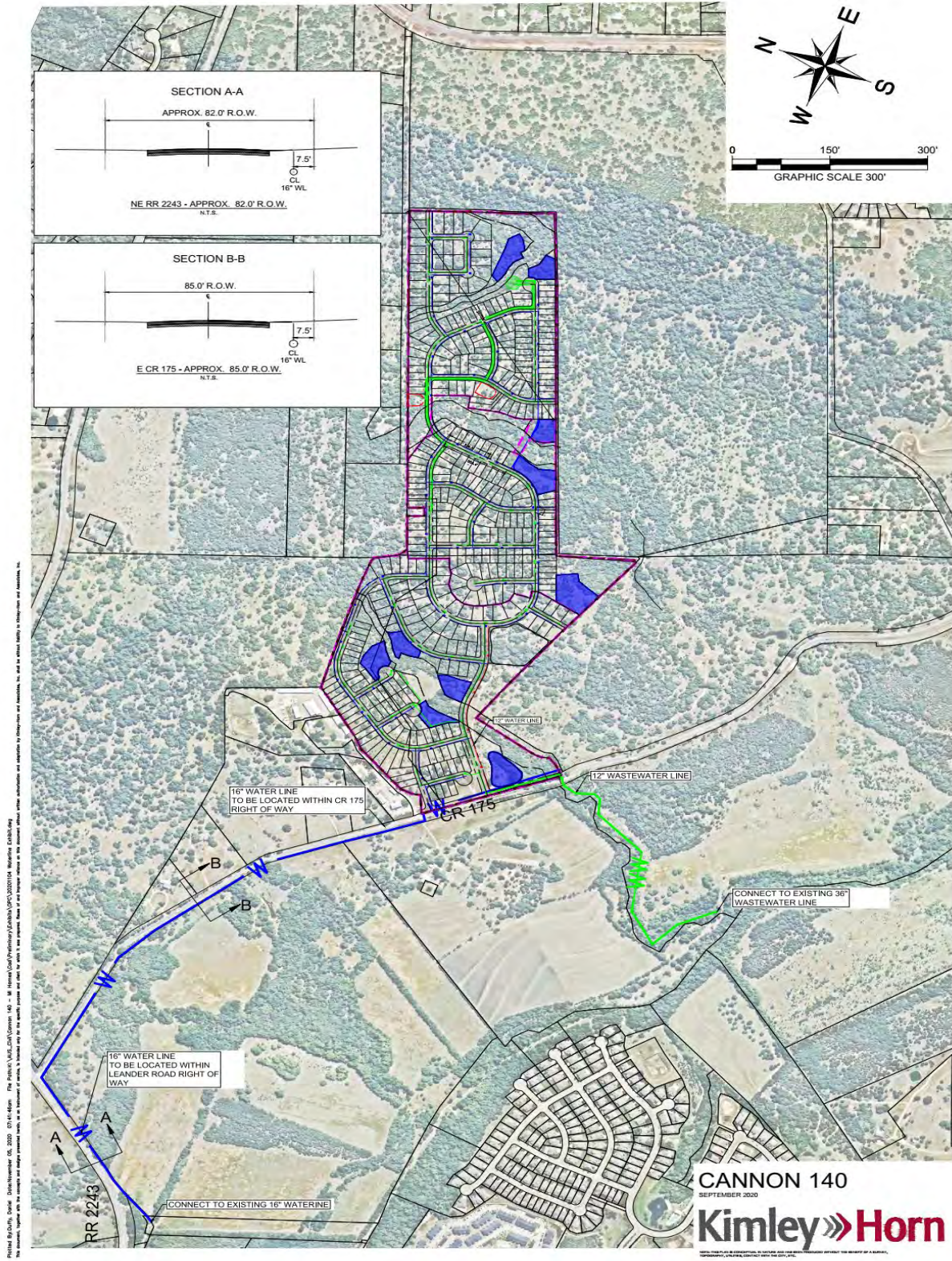


Exhibit "C"

Onsite Wastewater Project

Project: Edgewood, Alter Date: November 16, 2020 Date: 11/16/2020 File Path: \\P:\Projects\2020\2020-003\2020-003.dwg User: JHorn Date: 11/16/2020 Sheet: 1 of 1
 This document is the property of Kimley-Horn and Associates, Inc. and is not to be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Kimley-Horn and Associates, Inc.

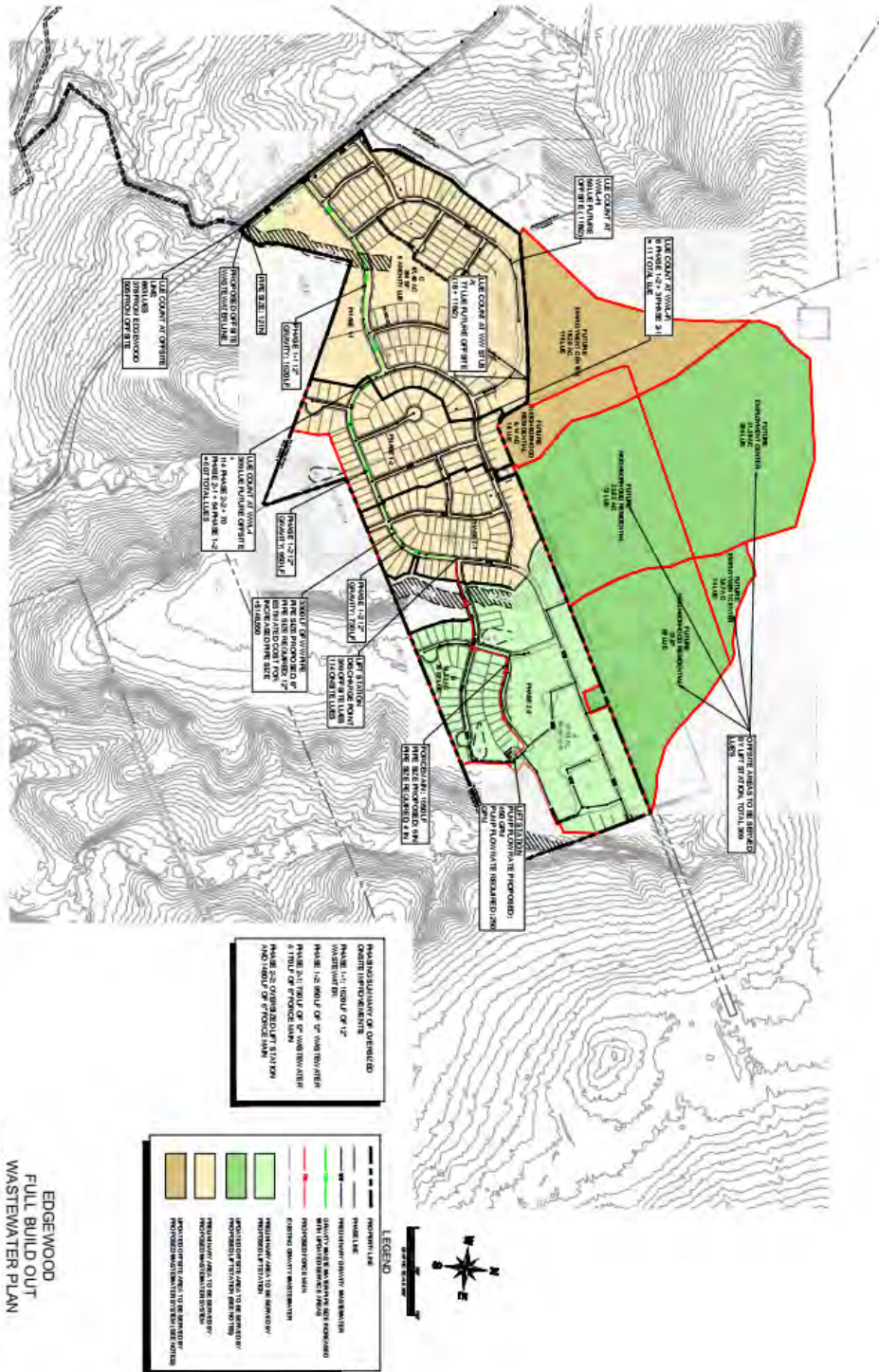
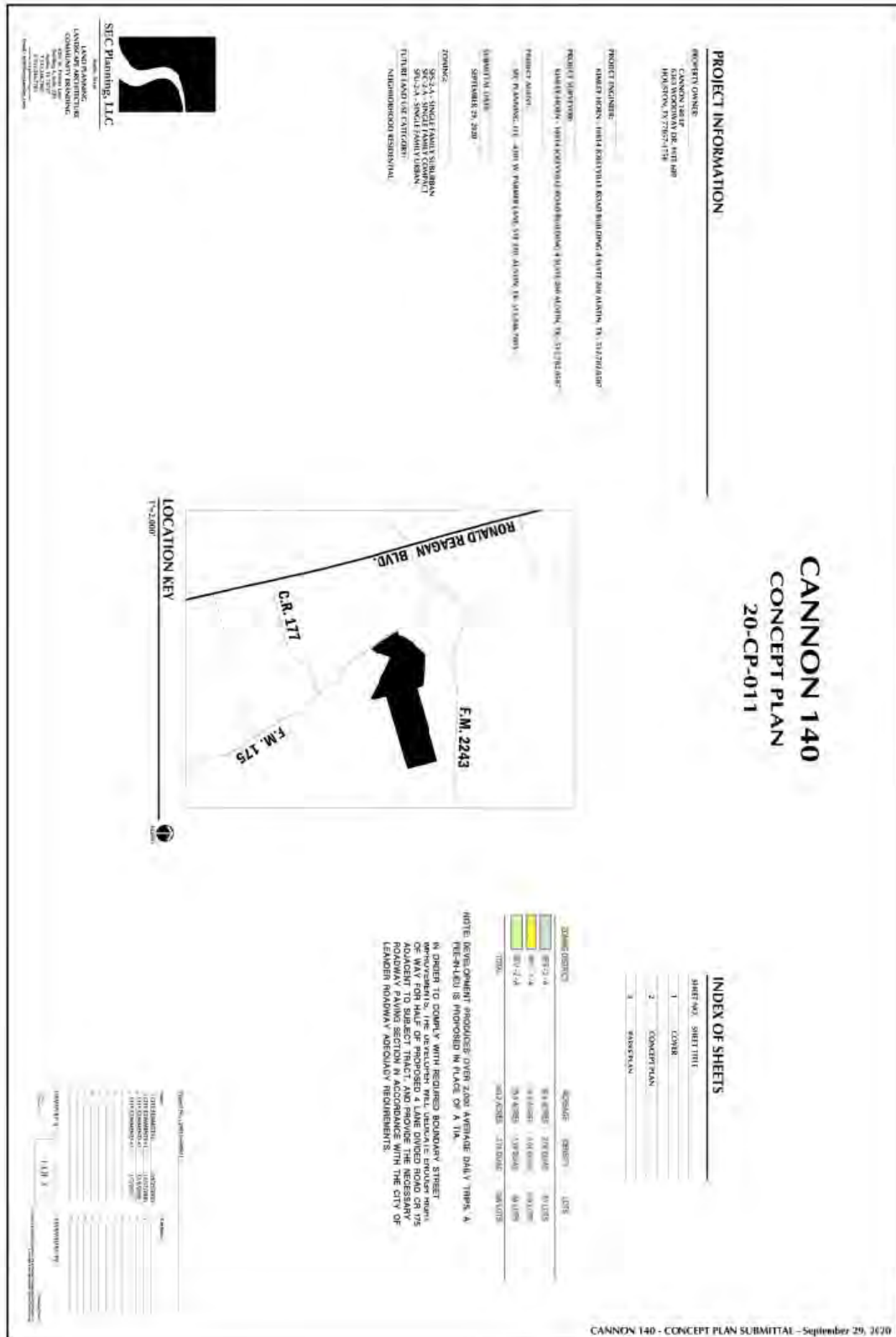
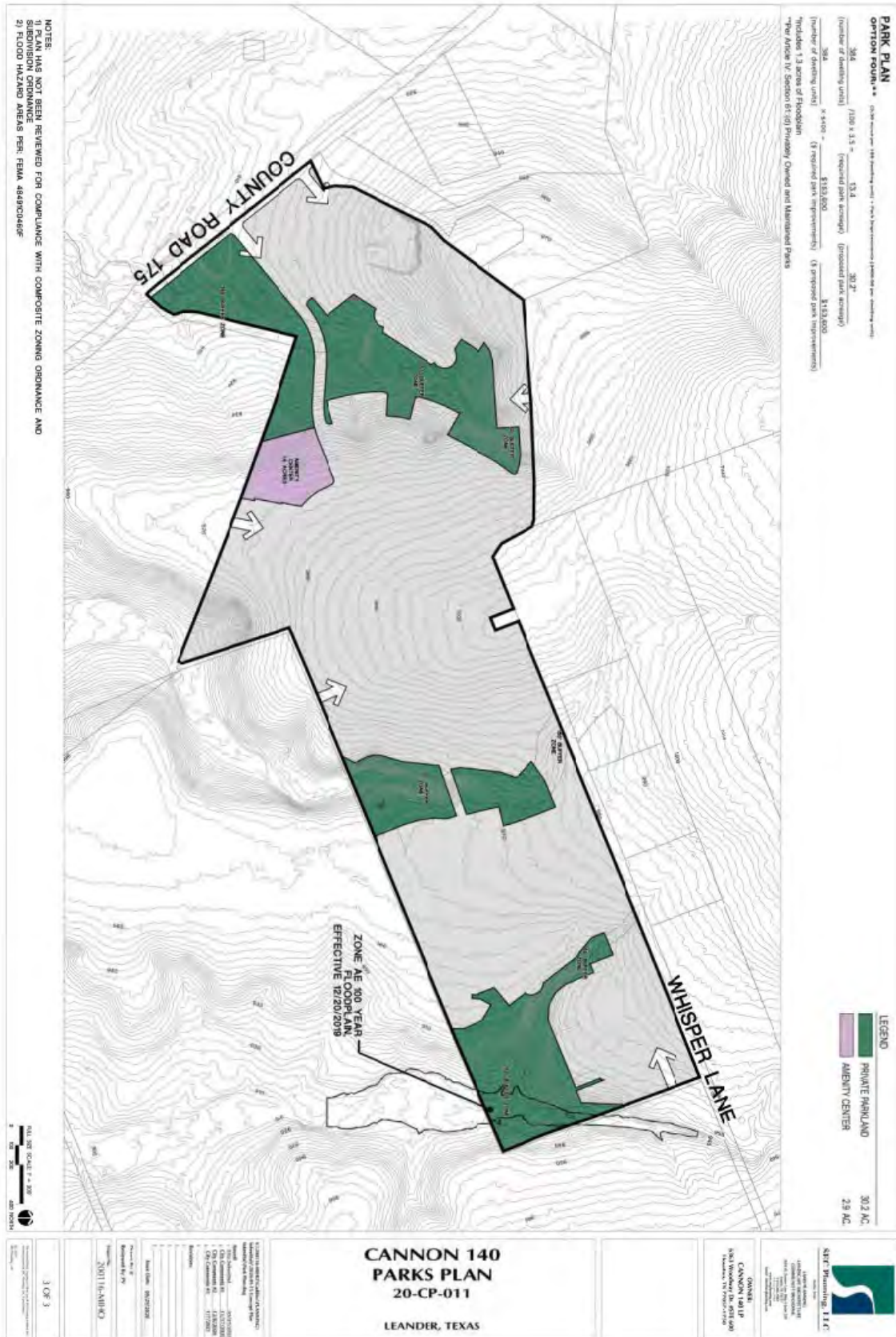


EXHIBIT D Approved Concept Plan







PROPOSED 1500' LONG, 12" DIA. WATER MAIN

LEGEND:

- 12" DIA. WATER MAIN (SOLID LINE)
- 6" DIA. LATERAL (DASHED LINE)
- 4" DIA. LATERAL (DOTTED LINE)
- 2" DIA. LATERAL (DASH-DOTTED LINE)

TITLE BLOCK:

PROJECT: 1500' LONG, 12" DIA. WATER MAIN

DATE: 10/1/2010

DESIGNED BY: [Name]

CHECKED BY: [Name]

APPROVED BY: [Name]

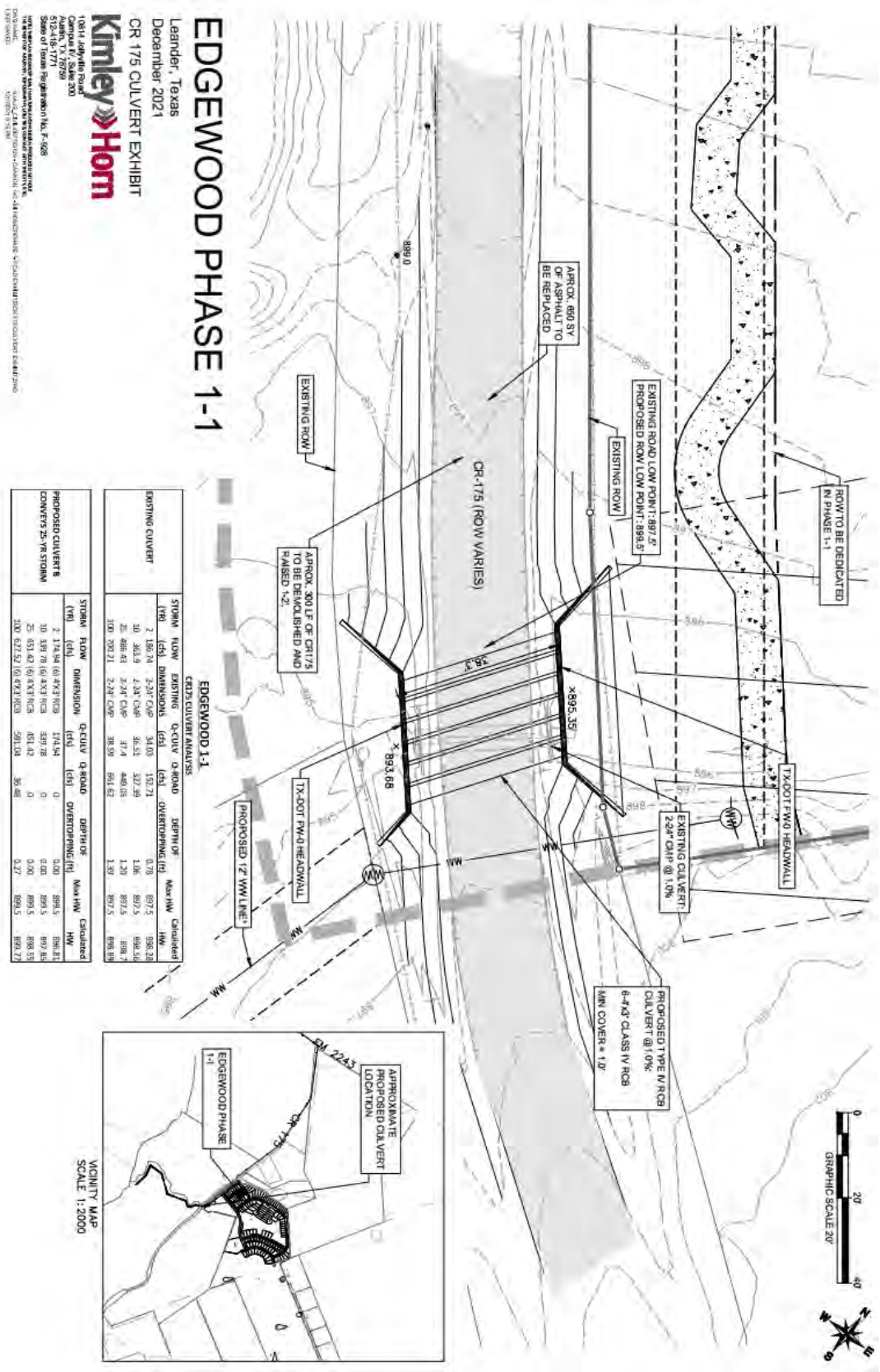
SCALE: 1" = 40' (0' TO 400')

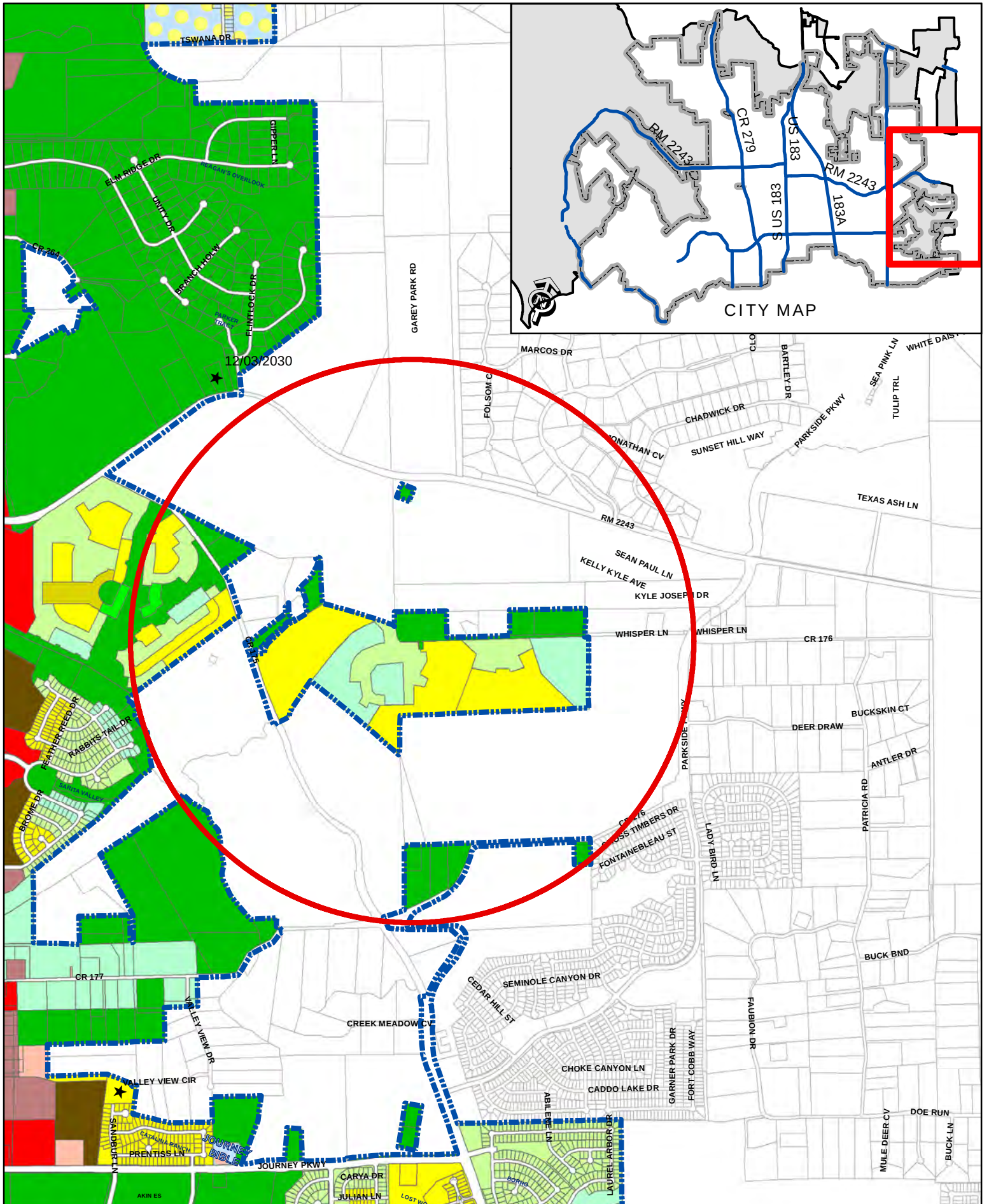
NORTH ARROW: [Arrow pointing up]

NOTES:

1. ALL LATERALS SHALL BE INSTALLED AT A MINIMUM OF 12" FROM THE MAIN.
2. ALL LATERALS SHALL BE INSTALLED AT A MINIMUM OF 12" FROM THE MAIN.
3. ALL LATERALS SHALL BE INSTALLED AT A MINIMUM OF 12" FROM THE MAIN.

Exhibit "F" CR 175 Culvert Improvements





21-PP-001 Edgewood Preliminary Plat
Attachment # 2 - Location Exhibit

0200
Feet





EXECUTIVE SUMMARY
03/03/2022

AGENDA SUBJECT:

Discuss and consider action on a Resolution directing publication of notice of public hearing and intention to issue combination tax and revenue certificates of obligation (road, street and traffic signalization improvements).

BACKGROUND:

Prior to the issuance of any indebtedness, other than voter-approved general obligation bonds, the City Charter requires a public notice and a public hearing. In addition, the Texas Local Government Code requires the governing body to publish notice of intent to issue certificates of obligation at least forty-five (45) days before the date of issuance. During the time, if five (5%) percent of registered voters petition the Council, then the proposition must be put to a vote. The proposed public hearing would be set for the May 5, 2022 City Council meeting. At that meeting, City Council will have the option to approve or reject the ordinance authorizing the issuance of debt.

The proposed certificates would be issued in two (2) separate series separated between Series A - transportation projects and Series B - utility projects. In order to take advantage of the best interest rates possible, both series would be backed with a tax pledge by the City. However, the utility debt would be repaid through utility rates and not property taxes. The public notice would list the maximum not-to-exceed amounts for each issue.

Series A - Transportation (\$22,500,000.00)

On October 12, 2021, the City Council approved an inter-local agreement (ILA) with Williamson County to participate in the County's Hero Way East transportation project. The City's cost participation is \$13,900,000.00 payable over four (4) twenty-five (25%) percent increments. In addition to this project, City staff is recommending Council approve three (3) additional projects in the amount of \$6,320,000.00 plus ten (10%) percent contingency.

1. Heritage Grove Road (\$3,200,000.00) - Reconstruction of collector street from Oak Grove Road to its eastern terminus to also include a future connection to Broade Street and a new twelve (12")- inch waterline for the length of the roadway, and sewer improvements.
2. Blockhouse Farm Development Agreement (\$870,000.00) - Approved at the February 17, 2022 City Council meeting, the developer will construct Niles Drive as required under the City's Subdivision Ordinance. The City shall reimburse the developer fifty (50%) percent of \$1,741,603.00 which is the total estimated costs for the construction. The City's participation in half the roadway is due to a previous agreement several years ago whereby the City allowed the adjacent developer to dedicate extra parkland in lieu of constructing his one-half (1/2) of the proposed street.
3. Signalized Intersection Improvements (\$2,250,000.00) - City Council may recall that the bid received for the proposed Bagdad Road and Sonny Drive intersection was in excess of \$945,000.00 and subsequently rejected. Staff believes that bundling several signalized intersection improvements together would increase contractor interest in the bid and result in better unit pricing. The estimate is based on three (3) intersections (to be defined) at a cost of \$750,000.00 each for design and construction.

Series B - Utility (\$34,500,000.00)

On July 20, 2017, the Leander City Council approved an Interlocal Agreement (ILA) for the expansion of the Brushy Creek Regional Wastewater Treatment East Plant. The ILA was subsequently amended in October 2018 due to a reduction in the planned size of the expansion from 14.0 mgd to 10.0 mgd. Leander's cost share is 42.3% or 4.23 mgd of the 10.0 mgd expansion.

The financing structure for the expansion requires each participating City to make periodic contributions equal to twenty-five (25%) percent of its pro rata share of the project. Construction was awarded on May 7, 2020 to Thalle Construction in the amount of \$107,351,713.00. Leander's 42.3% share is \$45,409,775.00 or \$11,352,244.00 per each 25% draw request. Leander is also responsible for its pro rata share of associated design and construction-related services. Once the expansion is completed, Leander will also need to contribute an estimated \$1,500,000.00 to become a full ownership partner in the BCRWWS. To date, the City has made three (3) of its required four (4) payments. The FY 2022 budget included the planned issuance of approximately \$12,500,000.00 in utility debt.

In addition to this project, City staff is recommending Council approve three (3) additional utility projects in the amount of \$19,295,000.00 plus ten (10%) percent contingency.

1. Sandy Creek WTP Sludge Handling Improvements (W.69) (\$10,600,000.00) - SCWTP solids (sludge) lagoons were expanded in 2006 from 4.0 to 6.0 mgd but were not expanded later when the plant was expanded to 12.0 mgd. Consequently, the lagoon volume is undersized and the current sludge processing system is antiquated for operating the water treatment plant at the full design capacity of 12.0 mgd. The new sludge processing system will correct production limitation and improve reliability increasing the SCWTP treatment capacity by about 1.5 mgd thereby increasing the overall level of service of the water treatment plant.

2. Sandy Creek WTP Redundant Treatment Unit (\$5,850,000.00) - The existing six (6) treatment modules are designed to have a treatment efficiency between 90% and 95%, resulting in a potential finished water treatment capacity between 10.8 mgd and 11.3 mgd. The proposed additional treatment module will be used to supplement production during the clarifier rinse and filter backwash sequences and allow the SCWTP to obtain a permitted treatment capacity of 12.0 mgd. The additional treatment module will also improve the reliability of the SCWTP.

3. Reclaimed Water System Phase 2 (WW.46) (\$2,845,000.00) - The current fiscal year budget includes funding for Phase I of the startup of the City's reclaimed water system. Phase 1 will supply reclaimed water to a filling station located at the City's main Wastewater Treatment Plant on RM 2243. It will include pressurization equipment and point-of-sale system as well as provisions for Phase 2. Phase 2 will include a re-chlorination system, ground storage, expanded pressurization facilities and approximately seven thousand (7,000) LF of transmission main. Reclaimed water from this system can be used for multiple purposes including irrigation, industrial, water features, etc.

RECOMMENDATION:

Authorize publication of notice.

PRESENTER:

Robert G. Powers, Executive Director of Finance

Attachments

1. Transportation Resolution
2. Hero Way East - Wilco ILA
3. Presentation

A RESOLUTION OF THE CITY OF LEANDER, TEXAS

RESOLUTION NO.

**RESOLUTION DIRECTING PUBLICATIO OF NOTICE OF
PUBLIC HEARING AND INTENTION TO ISSUE
COMBINATION TAX AND REVENUE CERTIFICATES
OBLIGATION.**

THE STATE OF TEXAS §
COUNTIES OF TRAVIS & WILLIAMSON §
CITY OF LEANDER §

WHEREAS, this City Council of the City of Leander, Texas deems it advisable to give notice of intention to issue combination tax and revenue certificates of obligation of said City and to give notice of a public hearing thereon, as hereinafter provided; and

WHEREAS, it is officially found and determined that the meeting at which this Resolution has been considered and acted upon was open to the public and public notice of the time, place and subject of said meeting was given, all as required by Chapter 551, Texas Government Code, as amended;

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

Section 1. FORM OF NOTICE. Attached hereto and marked Exhibit “A” is a form of Notice of Public Hearing and Intention to Issue Combination Tax and Revenue Certificates of Obligation, the form and substance of which are hereby adopted and approved.

Section 2. PUBLICATION OF NOTICE. Said Notice shall be published, in substantially the form attached hereto, in a newspaper, as defined in Subchapter C of Chapter 2051, Texas Government Code, of general circulation in said City once a week for two consecutive weeks, the date of the first publication thereof to be at least forty-five (45) days prior to the date tentatively set for passage of the ordinance authorizing the issuance of such certificates.

Section 3. POSTING OF NOTICE ON WEBSITE. Further, said Notice shall be posted in substantially the form attached hereto continuously on the City's website for at least forty-five (45) days prior to the date tentatively set for passage of the ordinance authorizing the issuance of such certificates.

PASSED AND APPROVED this 3rd day of March 2022.

ATTEST:

THE CITY OF LEANDER, TEXAS

Dara Crabtree, City Secretary

Christine DeLisle, Mayor

Exhibit "A"
NOTICE OF PUBLIC HEARING AND INTENTION TO ISSUE
COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION

NOTICE IS HEREBY GIVEN that the City Council of the City of Leander, Texas, will convene at its regular meeting place of said City Council located at the Pat Bryson Municipal Hall at 201 North Brushy Street, Leander, Texas at 7:00 p.m. on May 5, 2022, and, during such meeting, the City Council will conduct a hearing on whether to issue combination tax and revenue certificates of obligation, and, upon conclusion of the public hearing, will consider passage of an ordinance and take such other actions as may be deemed necessary to authorize the issuance of combination tax and revenue certificates of obligation in an aggregate principal amount not to exceed \$22,500,000 for the purpose of paying contractual obligations of the City to be incurred for the construction of City-wide road, street and traffic signalization improvements, and the acquisition of rights-of-way and easements therefor, including but not limited to Hero Way East, and for the payment of professional services and costs of issuance related thereto. The combination tax and revenue certificates of obligation will be payable from the levy of an annual ad valorem tax, within the limitations prescribed by law, upon all taxable property within the City, and a limited pledge, not to exceed \$1,000, of the surplus revenues of the City's Waterworks and Sewer System. The combination tax and revenue certificates of obligation are to be issued, and this notice is given, under and pursuant to the provisions of the Certificate of Obligation Act of 1971, as amended, Local Government Code Section 271.041, et. seq.

As further required by Local Government Code Section 271.049(b), the following additional information is provided:

- (A) The current principal of all outstanding debt obligations of the City is \$154,350,000.00.
- (B) The current combined principal and interest required to pay all outstanding debt obligations of the City on time and in full is \$204,937,875.00.
- (C) The maximum principal amount of the certificates to be authorized is \$22,500,000.00.
- (D) The estimated combined principal and interest required to pay the certificates to be authorized on time and in full is approximately \$40,329,625.00.
- (E) The estimated interest rate for the certificates to be authorized is 5.00%.
- (F) The maximum maturity date of the certificates to be authorized is August 15, 2047.

Pursuant to Texas Local Government Code § 271.049, an election on the question of the issuance of the certificates will be called if before the time tentatively set for the authorization and issuance or if before the authorization of the certificates, the City Secretary receives a petition signed by at least five percent of the qualified voters of the City protesting the issuance of the certificates, the City may not issue the certificates unless the issuance is approved at an election ordered, held and conducted in the manner provided for bond elections.

Christine DeLisle
Mayor, City of Leander, Texas

**INTERLOCAL AGREEMENT
REGARDING THE CITY/COUNTY PARTICIPATION IN THE RIGHT OF WAY
ACQUISITION COSTS RELATED TO RM 2243 (HERO WAY) PROJECT**

THE STATE OF TEXAS	§	
	§	KNOW ALL BY THESE PRESENTS:
COUNTY OF WILLIAMSON	§	

THIS INTERLOCAL AGREEMENT (“**Agreement**”) is entered into between the City of Leander, Texas, a Texas municipal corporation (the “**City**”) and Williamson County, a political subdivision of the State of Texas (the “**County**”). In this Agreement, the City and the County are sometimes individually referred to as “**a Party**” and collectively referred to as “**the Parties**”.

WHEREAS, V.T.C.A., Government Code, Chapter 791, the Texas Interlocal Cooperation Act, provides that any one or more public agencies may contract with each other for the performance of governmental functions or services for the promotion and protection of the health and welfare of the inhabitants of this State and the mutual benefit of the parties;

WHEREAS, the County is and has been in the process of designing and preparing an environmental assessment for the future construction of a controlled access facility, RM 2243 (Hero Way), from 183A to the Southwest Bypass, a length of approximately eight (8) miles, as shown on **Exhibit “A-1”**, attached hereto (the “**County Project**”); and

WHEREAS, the City desires to cooperate with the County to facilitate the right-of-way acquisition and construction of the first frontage road for the portions of the County Project within City limits, a length of approximately three (3) miles, as shown on Exhibit “A-2” (“**Leander Segment**”); and

NOW, THEREFORE, in consideration of the foregoing premises and the mutual promises and agreements of the Parties contained in this Agreement, the Parties agree as follows:

**I.
PURPOSE**

1.01 General. The purpose of this Agreement is to provide for the City’s participation in the right-of-way acquisition for the portion of the County Project within the City limits.

**II.
COUNTY OBLIGATIONS**

2.01 County Obligations. The County shall be responsible for all costs associated with the preliminary design, final design and construction of the first frontage road, right-of-way and easement acquisitions related to the construction of the County Project, unless otherwise specified herein (“**County Project Costs**”).

2.02 Construction Plans. The County will submit the plans and specifications related to the County Project to the City. Any changes or modifications to the plans will be submitted to the City for comment prior to commencing construction. The County shall schedule periodic progress meetings of not less than one per month, unless otherwise agreed by both Parties.

2.03 Funds. Prior to invoicing City, County will provide written confirmation that the funds necessary to complete the physical construction of the Leander Segment have been appropriated, or otherwise set aside, and of County's intent to retain such sufficient funds until construction of the Leander Segment is complete. The amount set aside will be no less than the design engineer's latest estimate of probable costs.

III.

CITY OBLIGATIONS

3.01 City Reimbursements. After receipt of the notice provided pursuant to Section 2.03 above, the City shall reimburse the County the sum of up to and no more than Thirteen Million Nine Hundred Thousand Dollars (\$13,900,000) (City Participation") as its cost to participate in the County Project, in exchange for the acquisition of easements and rights-of-way. The County will transmit reimbursement requests that clearly describe work done for which reimbursement is sought, including copies of settlement statements for all acquired easements and right-of-way. Reimbursement requests, when totaled, will not exceed the City Participation amount, and will be sent pursuant the following payment schedule: 25% upon execution of this Agreement, 25% upon contract award, 50% when construction is 50% complete (as determined by the value of the work completed to date against the contract amount). The City shall make a good faith effort to pay the invoice within thirty (30) days after receipt of said payment request from the County.

3.02 Permission to Acquire ROW. The City agrees to allow the County to acquire easements and right-of-way for the County Project, through condemnation or otherwise, within the City's boundaries. The City further agrees to provide the right-of-way footprint to potential developers and acquire the right-of-way through the development process to the extent possible.

IV.

DISPUTES

4.01 Material Breach; Notice and Opportunity to Cure.

(a) In the event that one Party believes that another Party has materially breached one of the provisions of this Agreement, the non-defaulting Party will make written demand to cure and give the defaulting Party up to 30 days to cure such material breach or, if the curative action cannot reasonably be completed within 30 days, the defaulting Party will commence the curative

action within 30 days and thereafter diligently pursue the curative action to completion. Notwithstanding the foregoing, any matters specified in the default notice which may be cured solely by the payment of money must be cured within 10 days after receipt of the notice. This applicable time period must pass before the non-defaulting Party may initiate any remedies available to the non-defaulting party due to such breach.

(b) Any non-defaulting Party will mitigate direct or consequential damage arising from any breach or default to the extent reasonably possible under the circumstances.

(c) The Parties agree that they will negotiate in good faith to resolve any disputes and may engage in non-binding mediation, arbitration or other alternative dispute resolution methods as recommended by the laws of the State of Texas.

4.02 Equitable Relief. In recognition that failure in the performance of the Parties' respective obligations could not be adequately compensated in money damages alone, the Parties agrees that after providing notice and an opportunity to cure in accordance with Section 4.01 above, the Parties shall have the right to request any court, agency or other governmental authority of appropriate jurisdiction to grant any and all remedies which are appropriate to assure conformance to the provisions of this Agreement. The defaulting Party shall be liable to the other for all costs actually incurred in pursuing such remedies, including reasonable attorney's fees, and for any penalties or fines as a result of the failure to comply with the terms including, without limitation, the right to obtain a writ of mandamus or an injunction requiring the governing body of the defaulting party to levy and collect rates and charges or other revenues sufficient to pay the amounts owed under this Agreement.

4.03 Agreement's Remedies Not Exclusive. The provisions of this Agreement providing remedies in the event of a Party's breach are not intended to be exclusive remedies. The Parties retain, except to the extent released or waived by the express terms of this Agreement, all rights at law and in equity to enforce the terms of this Agreement.

V. GENERAL PROVISIONS

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

5.02 Term. This Agreement shall commence upon execution of this Agreement and shall end upon the completion of the County Project and acceptance of the public improvements by the City.

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

5.04 Default and Remedies. If City fails to pay for Services under this Agreement, and continues such failure for thirty (30) days after the County provides written notice to cure, City shall be deemed to be in default under this Agreement. In the event that the County defaults under this Agreement, and such default is not cured, City may, in addition to any other remedy at law or in equity, immediately terminate this Agreement or seek specific performance of this Agreement.

5.05 Indemnity. To the extent permitted by law, grantee agrees to hold harmless, defend (on demand) and indemnify the City and all the City's officers, employees, and agents, against any and all causes of action, suits, liabilities, claims, demands, losses, costs or damages, including, but not limited to, personal injuries including death, property damage and attorney's fees, for claims resulting from County's actions in furtherance of the County Project.

5.06 Payments from Current Revenues. Any payments required to be made by a Party under this Agreement will be paid from current revenues or other funds lawfully available to the Party for such purpose.

5.07. Force Majeure. 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. 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.

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

5.09 Entire Agreement. This Agreement contains the entire agreement of the Parties regarding the subject matter hereof and supersedes all prior or contemporaneous understandings or representations, whether oral or written, regarding the subject matter and only relates to those portions of the County Project shown in the plans attached hereto as Exhibit "A."

5.10 Amendments. Any amendment of this Agreement must be in writing and will be effective if signed by the authorized representatives of the Parties.

5.11 Applicable Law; Venue. This Agreement will be construed in accordance with Texas law. Venue for any action arising hereunder will be in Williamson County, Texas.

5.12 Notices. Any notices given under this Agreement will be effective if (i) forwarded to a Party by hand-delivery; (ii) transmitted to a Party by confirmed telecopy; or (iii) deposited with the U.S. Postal Service, postage prepaid, certified, to the address of the Party indicated below.

CITY: City of Leander
PO Box 319
Leander, TX 78643
Attn: City Manager
Telephone: (512) 930-3652

COUNTY: 710 S. Main Street,
City, Texas 78626
Attn: William Gravell, Jr.
Telephone: (512) 943-1550
Facsimile: (512) 943-1662

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

5.14 Authority. Each Party represents and warrants that it has the full right, power and authority to execute this Agreement.

5.15 Effective Date. This Agreement is executed to be effective on the date the last Party signs this Agreement.

5.16 No Joint Venture. The County Project is a sole project of the County and is not a joint venture or other partnership with the City.

(SIGNATURES ON FOLLOWING PAGE)

CITY OF LEANDER, TEXAS

By: C. Sederquist
Christine Sederquist, Mayor

ATTEST:

By: Dara Crabtree
Dara Crabtree, City Secretary

THE STATE OF TEXAS §
 §
COUNTY OF WILLIAMSON §

THIS INSTRUMENT was acknowledged before me on this 4th day of November, 2021, by Christine Sederquist as Mayor of the City of Leander, a Texas home-rule city, on behalf of said city.

Deborah Penning
Notary Public, State of Texas

WILLIAMSON COUNTY, TEXAS

By: _____
William Gravell, Jr., County Judge

ATTEST:

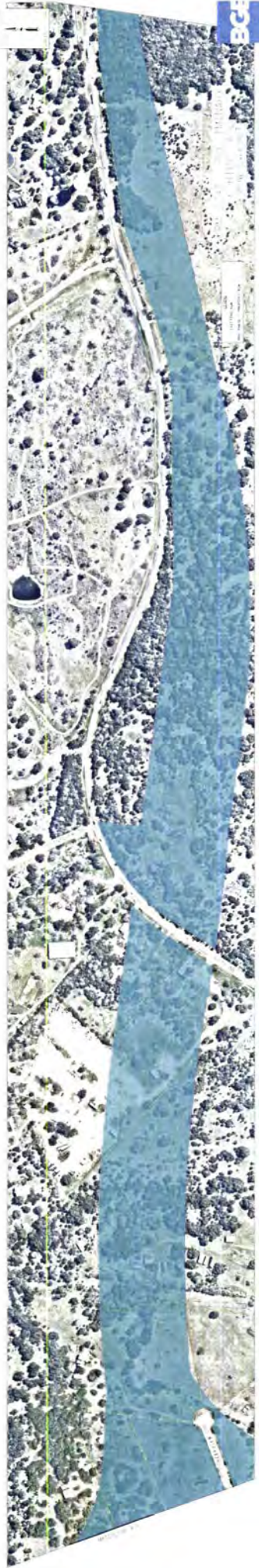
By: _____
Nancy Rister, County Clerk

THE STATE OF TEXAS §
 §
COUNTY OF WILLIAMSON §

THIS INSTRUMENT was acknowledged before me on this ____ day of _____, 2021, by William Gravell, Jr., County Judge of Williamson County, Texas, on behalf of said County.

Notary Public, State of Texas





Williamson County Proposed Bond Project Request Form

Part A. General Project Information

Project Information - Please fill in the following information.

Project Sponsor(s)

CITY OF LEANDER

Project Category

☒

Roadway/Drainage

☐

Regional Trail Connection

Project Name

HERO WAY

Project Limits/Location

FROM U.S. HWY. 183-A EASTWARD ALONG HERO WAY TO THE EASTERN CITY LIMITS ALONG RM 2243 AT GARY RANCH PARK

Project Length (in miles)

2.50

Project Description

PURCHASE RIGHT-OF-WAY FOR RM 2243 CONTROLLED ACCESS EXPRESSWAY AS DEFINED IN THE WILLIAMSON COUNTY'S AND TXDOT'S RM 2243 CORRIDOR STUDY AND CONSTRUCT EASTBOUND AND WESTBOUND FRONTAGE ROADS

Who will manage the project? (County, Sponsor, etc)

WILLIAMSON COUNTY/TXDOT

Who will be responsible for maintenance?

TXDOT

Project Justification - Describe at a minimum, the issue(s) the project will address, the proposed solution(s), the desired outcome, and how the project will help implement Williamson County's Long Range Transportation Plan or Comprehensive Parks Master Plan.

View the plans at www.wilco.org/LRTP and www.wilco.org/CPMP (Regional Trail Plan - pg 67).

THIS EXPRESSWAY PROJECT WILL IMPROVE MOBILITY, CAPACITY, AND CONNECTIVITY BETWEEN U.S. HWY. 183-A AND I-35 WHEN COMBINED WITH THE REMAINING PORTION OF THE PROPOSED EXPRESSWAY FROM THE LEANDER'S EASTERN CITY LIMITS TO THE CITY OF GEORGETOWN. PURCHASE OF RIGHT-OF-WAY AND CONSTRUCTION OF FRONTAGE ROADS WILL FACILITATE EFFICIENT DEVELOPMENT IN THIS MAJOR EAST-WEST CORRIDOR WITH THE LEAST COST AND DISRUPTION TO DEVELOPMENT AS COMPARED TO PURCHASING RIGHT-OF-WAY IN THE OUT YEARS.

Project Map - Provide a map of the project in electronic format (pdf or jpg).

Project Information - Provide additional backup information such as cost estimates and planning documents that may be useful in evaluating the project.

Project Priority - Indicate the projects priority if submitting more than one project application for Transportation or Trails.

1

of

1

Part B. Project Status and Schedule

Project Status - Describe work accomplished to date.

WILLIAMSON COUNTY AND TXDOT HAVE COMPLETED AND FINALIZED A PROPOSED SCHEMATIC AND ALIGNMENT FOR THE PROPOSED RM 2243 EXPRESSWAY PROJECT WITH THE COMPLETION OF THEIR RM2243 CORRIDOR STUDY AS PRESENTED AT THEIR NOVEMBER 29, 2018, OPEN HOUSE IN GEORGETOWN. WILLIAMSON COUNTY AND TXDOT HAVE INITIATED PROCESS TO PROVIDE AN ENVIRONMENTAL ASSESSMENT, WHICH IS EXPECTED TO BE COMPLETED IN APPROXIMATELY TWO YEARS.

Anticipated Project Schedule

	Start Date	Finish Date
Planning/Design/Environmental Clearance	10/19	09/21
Right-of-Way Acquisition	10/21	09/22
Utility Relocation	01/22	06/22
Construction	07/22	06/24

Part C. Local Cost Participation

Local cost participation is strongly encouraged. Projects will be evaluated in part by the percentage of local cost participation.

Estimated Costs

Planning/Design/Environmental Clearance	
Right-of-Way Acquisition	\$ 26,400,000
Utility Relocation	
Construction	\$ 39,050,000
Total Project Cost	\$ 65,450,000
Sponsor's Cash Contribution	\$ 13,460,000
In-kind Contribution - List total amount of in-kind contributions to right. List type (services, ROW, grant, etc) and amount for each below. (Note: Sponsor is assumed to fund relocation of sponsor-owned utilities unless otherwise noted.)	\$ 450,000

EXISTING WATER LINE AND WASTEWATER LINE RELOCATIONS

Total Amount of Funds Committed by Sponsor	\$ 13,910,000
County Funds Requested	\$ 51,540,000
Sponsor Cost Participation Percentage	21.3%

Part D. Applicant Contact Information

Name	Wayne S. Watts, P.E.
Title	City Engineer
Mailing Address	P.O. Box 319, Leander, Texas 78646
Phone	512-528-2766
Email	w.watts@leandertx.gov

Please complete these forms and submit them by April 12, 2019 via email to bdaigh@wilco.org or by mail to:

Williamson County Citizen's Bond Committee
3151 SE Inner Loop, Suite B
Georgetown TX 78626

Notice of Intent to Issue Certificates of Obligation

What are Certificates of Obligation (CO's)?

- CO's are the same as General Obligation Bonds, but are approved by the governing body and do not require voter approval.*
 - State law requires notice 45 days in advance of date set to issue Certificates of Obligation.
 - Staff is proposing two different series of CO's – Series A for Transportation projects; Series B for Water & Wastewater System projects.
- * 5% of registered voters can petition to have the CO's put to a vote.

Notice of Intent to Issue Certificates of Obligation

Typical Questions that arise when issuing debt

Why is it needed or recommended?

Can we afford it?

Are there alternatives to funding with debt?

Can we wait?

What happens if we don't move forward with the projects?

Notice of Intent to Issue Certificates of Obligation

Why is it needed or recommended?

The primary purpose of Series A is to fund the City's portion of the Hero Way East roadway expansion project as agreed to in the inter-local agreement with Williamson County approved in 2021. The City's commitment is \$13,900,000.

The secondary projects are

1. Heritage Grove Road (\$3,200,000);
2. Blockhouse Farm Development Agreement (\$870,000); and
3. Traffic Signalization (various) (\$2,250,000)

Notice of Intent to Issue Certificates of Obligation

Why is it needed or recommended?

The primary purpose of Series B is to fund the City's remaining portion of the Brushy Creek Regional Wastewater System East Plant expansion as agreed to in the inter-local agreement with partner cities in 2018. The City's commitment is 42.3% of the project costs.

The secondary projects are

1. Sandy Creek WTP Sludge Processing (\$10,000,000);
2. Sandy Creek WTP Redundant Treatment (\$5,850,000); and
3. Reclaimed Water System **Phase II** (\$2,845,000)

Notice of Intent to Issue Certificates of Obligation

Can we afford it?

The technical answer is “it depends.”

Sometimes the real intent of the question is

“will this debt cause our tax rate to go up?” or,
“what is our debt level compared to other cities?”

Other times the question really is

“will this make it more difficult to issue debt in the future for
other projects?”

Notice of Intent to Issue Certificates of Obligation

Can we afford it?

One way to answer this question is to determine the City's "debt capacity" - which is another way of saying, how much debt can you issue and stay within your target tax rate?

Once the desired tax rate is determined, the next step is to analyze assumptions about future tax base growth.

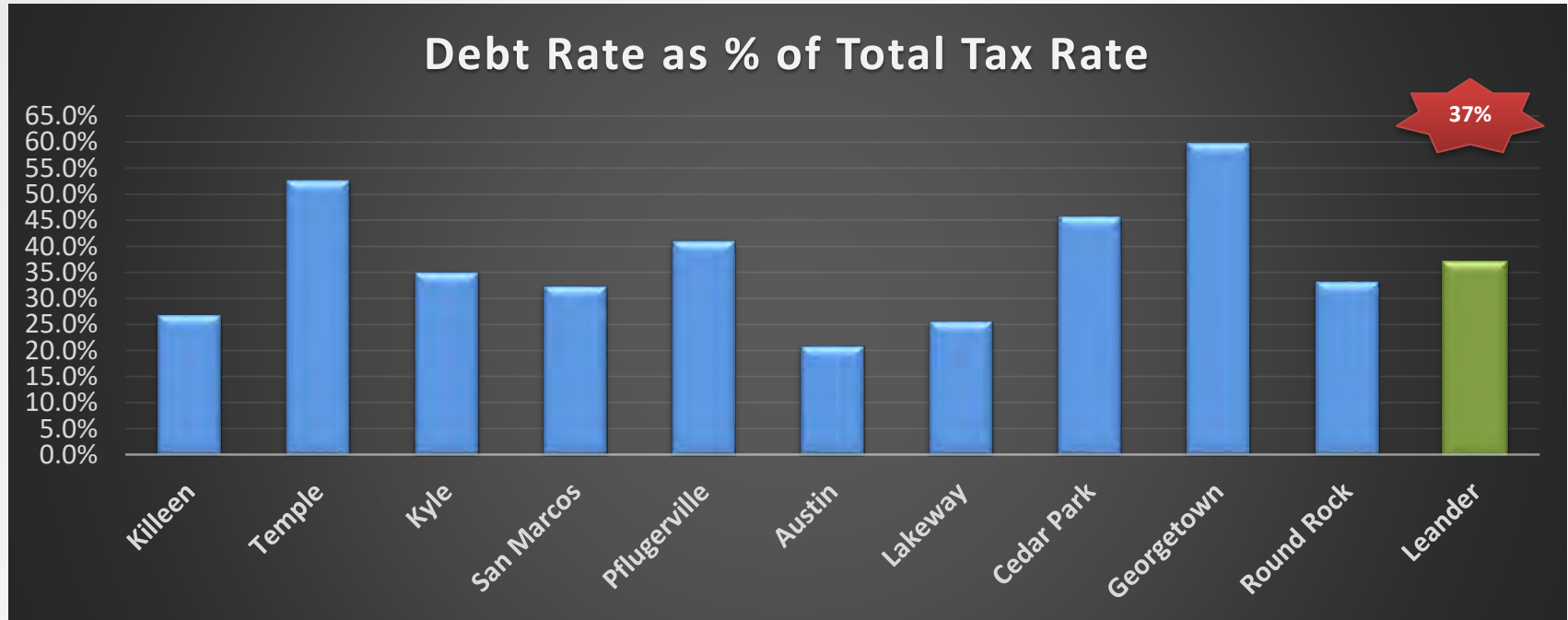
Notice of Intent to Issue Certificates of Obligation

So how much debt can Leander afford?

- In past, we've discussed a target tax rate ratio of 1/3 debt; 2/3 maintenance & operations.
- I want to stress that this is highly subjective and you likely won't find a textbook answer or industry standard.
- If the city budget were a diet, property taxes would be the protein building blocks, and other sources of revenue – sales taxes, and development fees, grants would be the carbohydrates and sugars.
- As we build out Leander, it's important to have strong bones and be able to maintain our infrastructure as it ages.

Notice of Intent to Issue Certificates of Obligation

So how do we compare to our neighbors?



Notice of Intent to Issue Certificates of Obligation

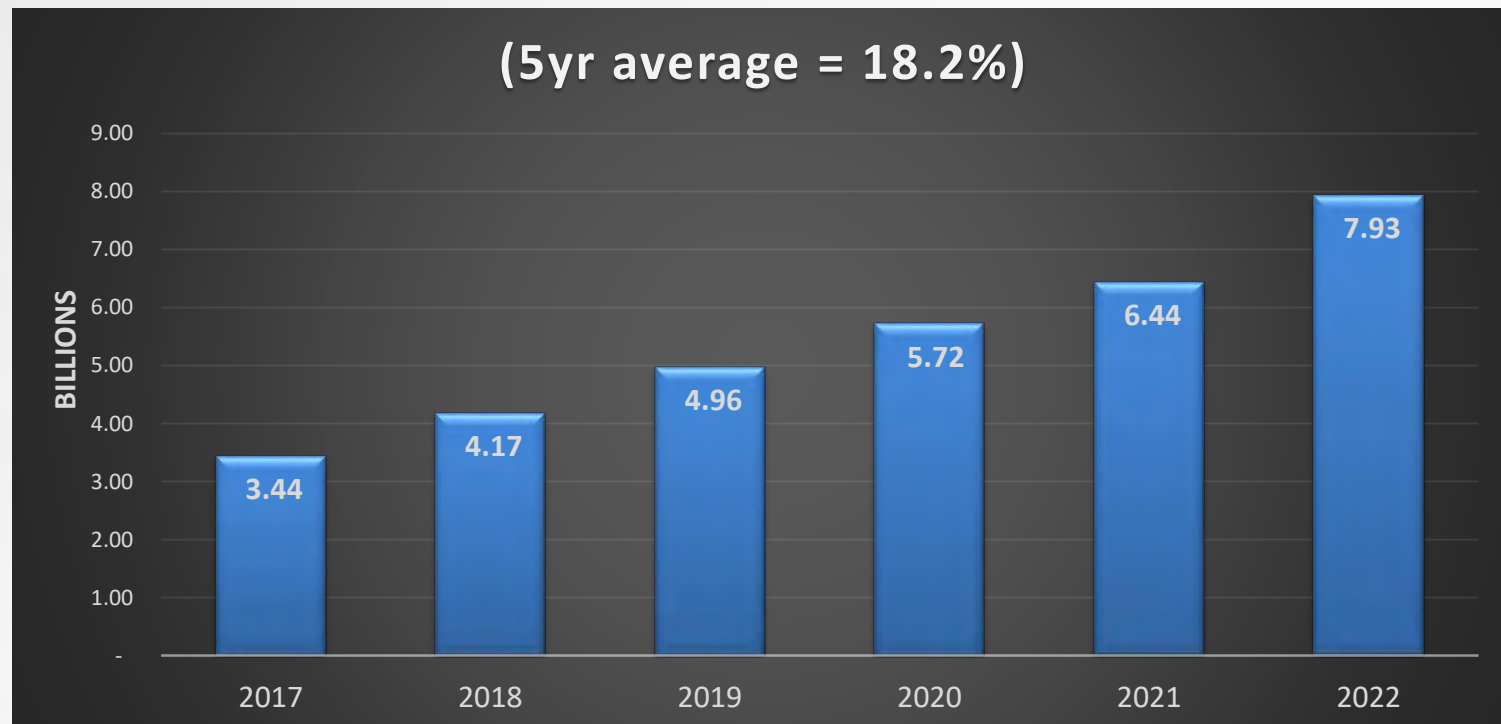
What is Leander's debt capacity? We have to ask Goldilocks.

Option A – set target ratio at 40% debt to operating tax rate but keep current \$0.48 total tax rate (i.e. \$0.192)

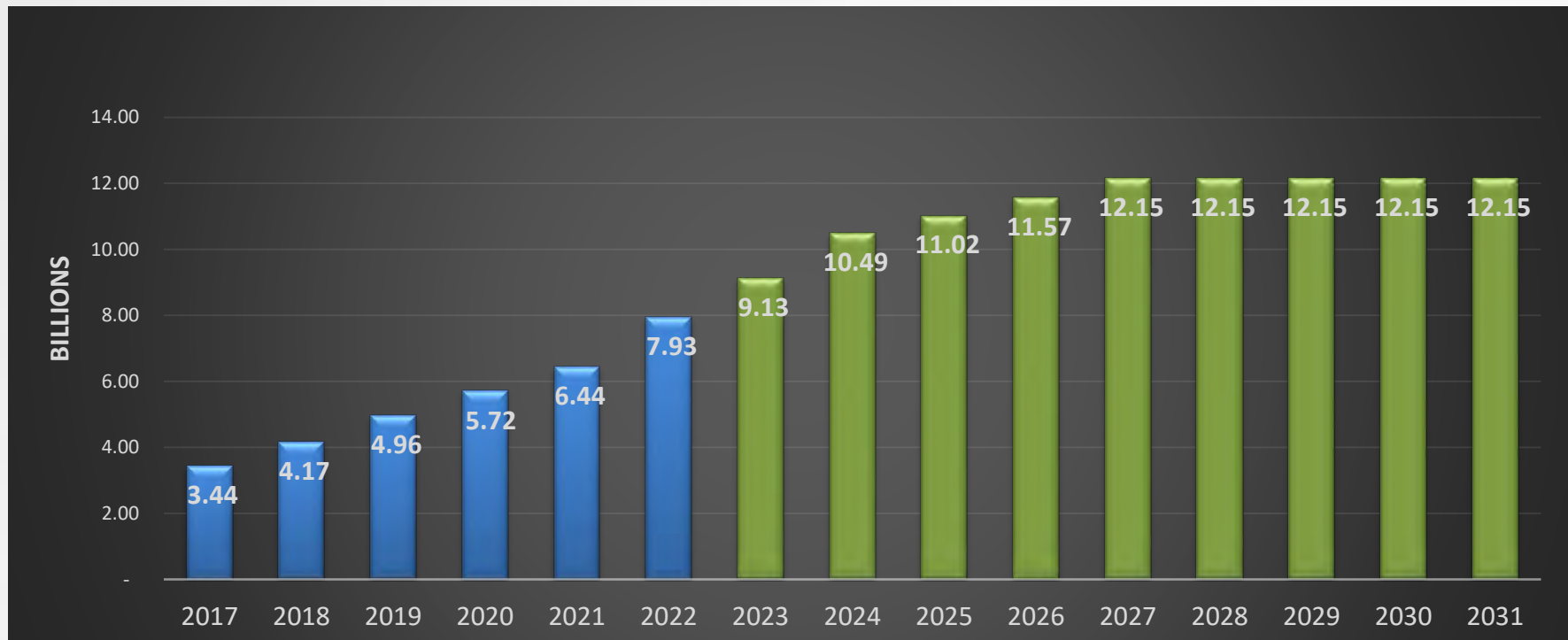
Option B – keep current debt tax rate (i.e. \$0.1776).

Option C – set goal to lower total tax rate to \$0.45 and set debt rate to 1/3 of total (i.e., \$0.15)

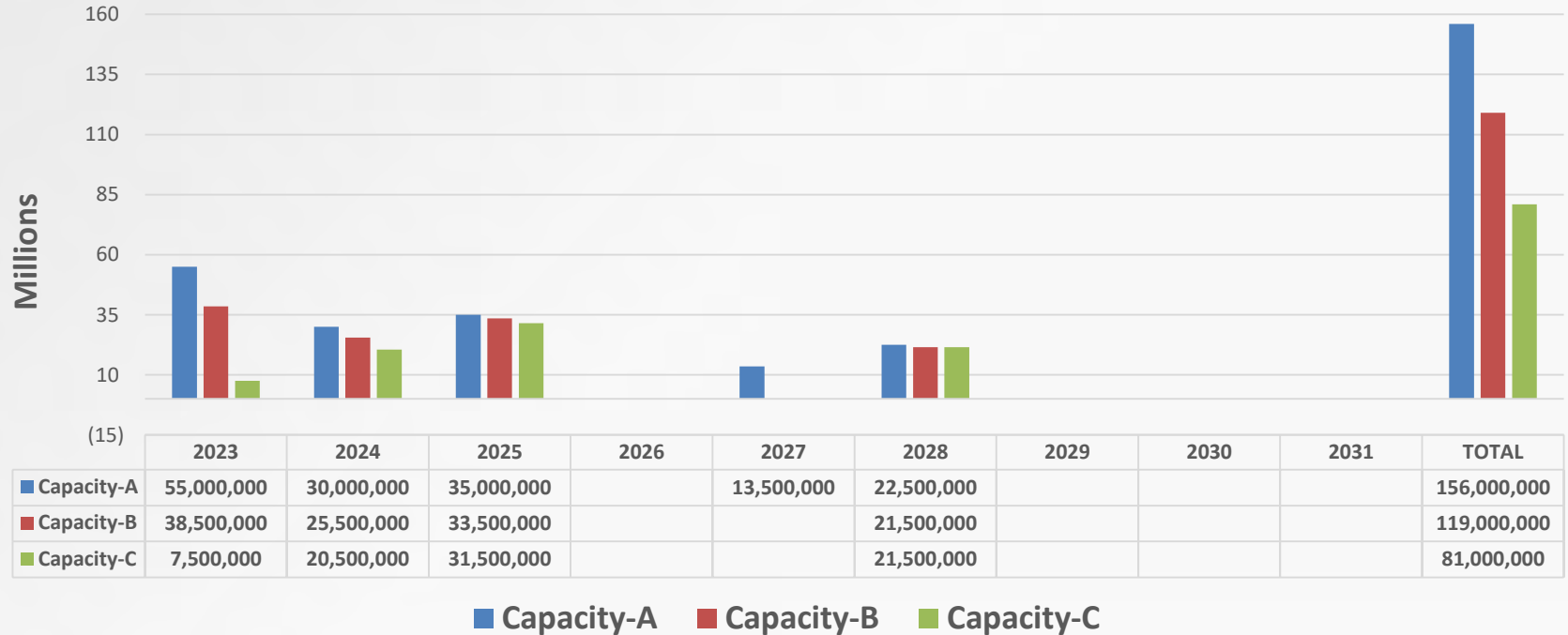
Tax Base Growth Assumptions



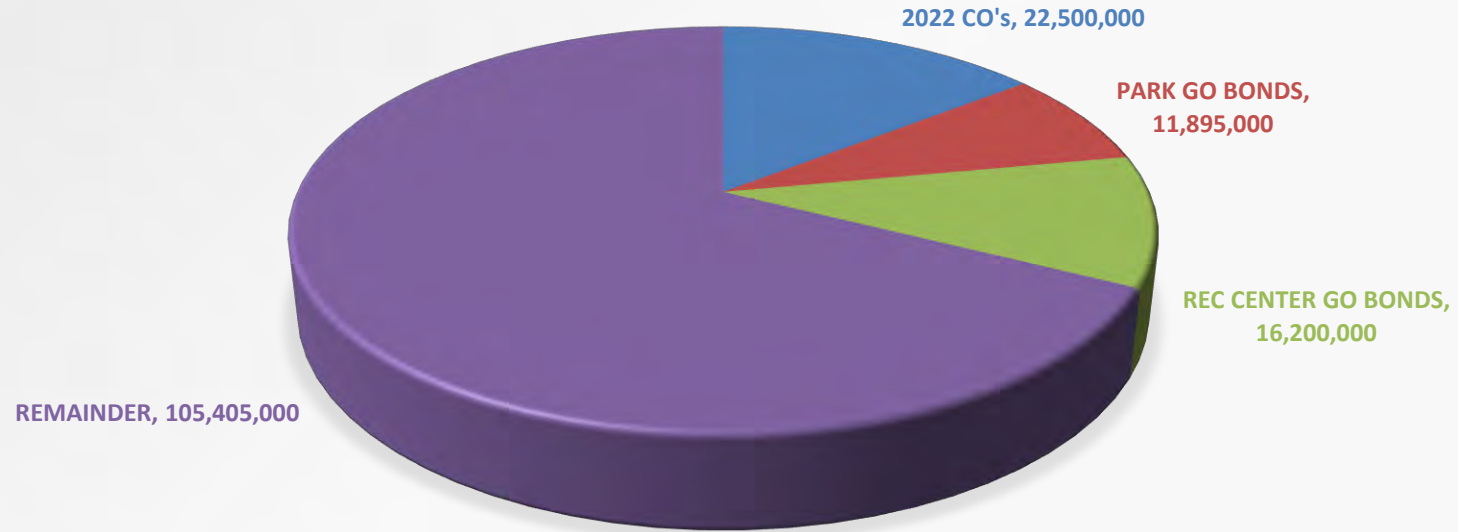
Tax Base Growth Assumptions



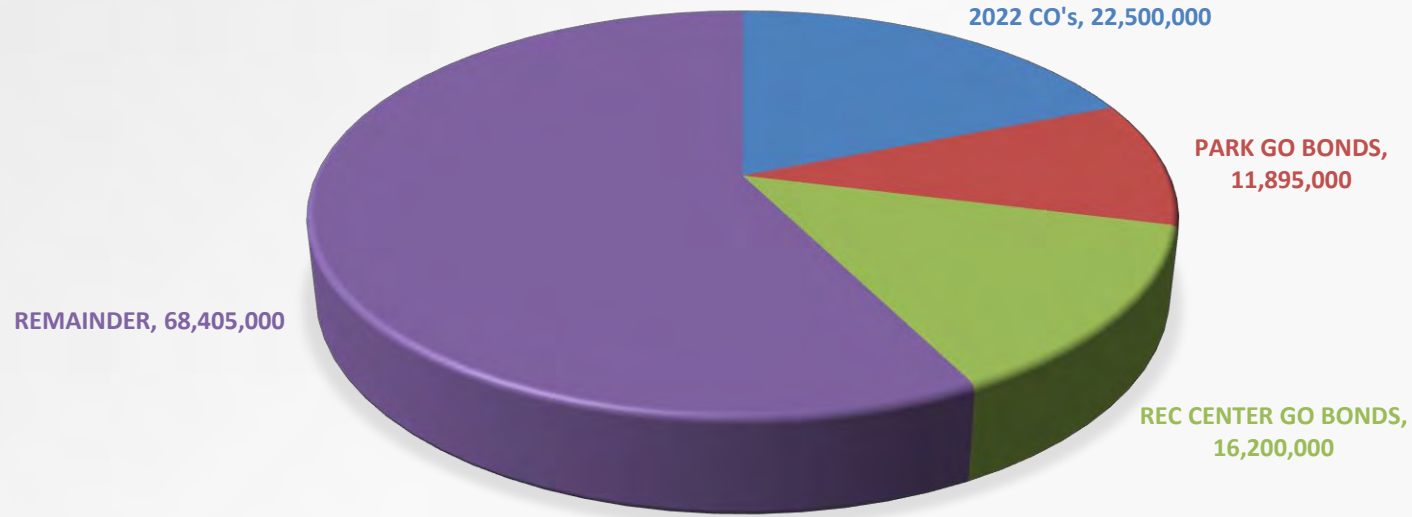
Debt Capacity



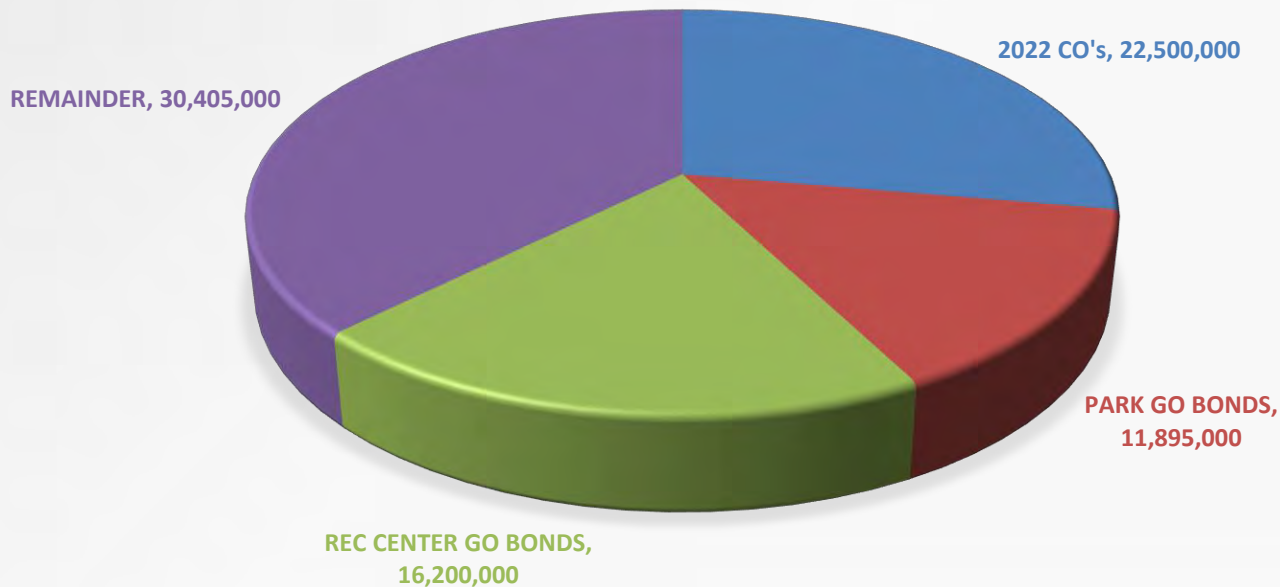
Debt Capacity A



Debt Capacity B



Debt Capacity C



Notice of Intent to Issue Certificates of Obligation

Are there alternatives to funding with debt?

During annual budget process, we evaluate funding for 1x projects using surplus funds from prior year.

However, the amount of funding is uncertain from year to year. In the current budget we had over \$6M from the prior year to fund 1x projects. In the prior three years, the amount available was only between \$1.5M - \$1.8M.

Notice of Intent to Issue Certificates of Obligation

Can we wait?

- The primary purposes of each CO Series (A&B) are set in prior inter-local agreements. The secondary projects are strongly recommended but ultimately within Council's discretion.

What happens if we don't move forward with the projects?

- Staff is available to discuss the benefits of each project.



EXECUTIVE SUMMARY
03/03/2022

AGENDA SUBJECT:

Discuss and consider action on a Resolution directing publication of notice of public hearing and intention to issue combination tax and revenue certificates of obligation (waterworks and sewer system improvements).

BACKGROUND:

Prior to the issuance of any indebtedness, other than voter-approved general obligation bonds, the City Charter requires a public notice and a public hearing. In addition, the Texas Local Government Code requires the governing body to publish notice of intent to issue certificates of obligation at least forty-five (45) days before the date of issuance. During the time, if five (5%) percent of registered voters petition the Council, then the proposition must be put to a vote. The proposed public hearing would be set for the May 5, 2022 City Council meeting. At that meeting, City Council will have the option to approve or reject the ordinance authorizing the issuance of debt.

The proposed certificates would be issued in two (2) separate series separated between Series A - transportation projects and Series B - utility projects. In order to take advantage of the best interest rates possible, both series would be backed with a tax pledge by the City. However, the utility debt would be repaid through utility rates and not property taxes. The public notice would list the maximum not-to-exceed amounts for each issue.

Series A - Transportation (\$22,500,000.00)

On October 12, 2021, the City Council approved an inter-local agreement (ILA) with Williamson County to participate in the County's Hero Way East transportation project. The City's cost participation is \$13,900,000.00 payable over four (4) twenty-five (25%) percent increments. In addition to this project, City staff is recommending Council approve three (3) additional projects in the amount of \$6,320,000.00 plus ten (10%) percent contingency.

1. Heritage Grove Road (\$3,200,000.00) - Reconstruction of collector street from Oak Grove Road to its eastern terminus to also include a future connection to Broade Street and a new twelve (12)- inch waterline for the length of the roadway, and sewer improvements.
2. Blockhouse Farm Development Agreement (\$870,000.00) - Approved at the February 17, 2022 City Council meeting, the developer will construct Niles Drive as required under the City's Subdivision Ordinance. The City shall reimburse the developer fifty (50%) percent of \$1,741,603.00 which is the total estimated costs for the construction. The City's participation in half the roadway is due to a previous agreement several years ago whereby the City allowed the adjacent developer to dedicate extra parkland in lieu of constructing his one-half (1/2) of the proposed street.
3. Signalized Intersection Improvements (\$2,250,000.00) - City Council may recall that the bid received for the proposed Bagdad Road and Sonny Drive intersection was in excess of \$945,000.00 and subsequently rejected. Staff believes that bundling several signalized intersection improvements together would increase contractor interest in the bid and result in better unit pricing. The estimate is based on three (3) intersections (to be defined) at a cost of \$750,000.00 each for design and construction.

Series B - Utility (\$34,500,000.00)

On July 20, 2017, the Leander City Council approved an Interlocal Agreement for the expansion of the Brushy Creek Regional Wastewater Treatment East Plant. The ILA was subsequently amended in October 2018 due to a reduction in the planned size of the expansion from 14.0 mgd to 10.0 mgd. Leander's cost share is 42.3% or 4.23 mgd of the 10.0 mgd expansion.

The financing structure for the expansion requires each participating City to make periodic contributions equal to twenty-five (25%) percent of its pro rata share of the project. Construction was awarded on May 7, 2020 to Thalle Construction in the amount of \$107,351,713.00 Leander's 42.3% share is \$45,409,775 or \$11,352,244.00 per each 25% draw request. Leander is also responsible for its pro rata share of associated design and construction-related services. Once the expansion is completed, Leander will also need to contribute an estimated \$1,500,000.00 to become a full ownership partner in the BCRWWS. To date, the City has made three (3) of its required four (4) payments. The FY 2022 budget included the planned issuance of approximately \$12,500,000.00 in utility debt.

In addition to this project, City staff is recommending Council approve three (3) additional utility projects in the amount of \$19,295,000.00 plus 10% contingency.

1. Sandy Creek WTP Sludge Handling Improvements (W.69) (\$10,600,000.00) - SCWTP solids (sludge) lagoons were expanded in 2006 from 4.0 to 6.0 mgd but were not expanded later when the plant was expanded to 12.0 mgd. Consequently, the lagoon volume is undersized and the current sludge processing system is antiquated for operating the water treatment plant at the full design capacity of 12.0 mgd. The new sludge processing system will correct production limitation and improve reliability increasing the SCWTP treatment capacity by about 1.5 mgd thereby increasing the overall level of service of the water treatment plant.
2. Sandy Creek WTP Redundant Treatment Unit (\$5,850,000.00). The existing six (6) treatment modules are designed to have a treatment efficiency between 90% and 95%, resulting in a potential finished water treatment capacity between 10.8 mgd and 11.3 mgd. The proposed additional treatment module will be used to supplement production during the clarifier rinse and filter backwash sequences and allow the SCWTP to obtain a permitted treatment capacity of 12.0 mgd. The additional treatment module will also improve the reliability of the SCWTP.
3. Reclaimed Water System Phase 2 (WW.46) (\$2,845,000.00). The current fiscal year budget includes funding for Phase I of the startup of the City's reclaimed water system. Phase 1 will supply reclaimed water to a filling station located at the City's main Wastewater Treatment Plant on RM 2243. It will include pressurization equipment and point-of-sale system as well as provisions for Phase 2. Phase 2 will include a re-chlorination system, ground storage, expanded pressurization facilities and approximately seven thousand (7,000) LF of transmission main. Reclaimed water from this system can be used for multiple purposes including irrigation, industrial, water features, etc.

RECOMMENDATION:

Authorize publication of notice.

PRESENTER:

Robert G. Powers, Executive Director of Finance

Attachments

1. Utility Resolution
2. Amended ILA Expansion

A RESOLUTION OF THE CITY OF LEANDER, TEXAS

RESOLUTION NO.

**RESOLUTION DIRECTING PUBLICATION OF NOTICE OF
PUBLIC HEARING AND INTENTION TO ISSUE
COMBINATION TAX AND REVENUE CERTIFICATES OF
OBLIGATION**

THE STATE OF TEXAS §
COUNTIES OF TRAVIS & WILLIAMSON §
CITY OF LEANDER §

WHEREAS, this City Council of the City of Leander, Texas deems it advisable to give notice of intention to issue combination tax and revenue certificates of obligation of said City and to give notice of a public hearing thereon, as hereinafter provided; and

WHEREAS, it is officially found and determined that the meeting at which this Resolution has been considered and acted upon was open to the public and public notice of the time, place and subject of said meeting was given, all as required by Chapter 551, Texas Government Code, as amended;

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

Section 1. FORM OF NOTICE. Attached hereto and marked Exhibit “A” is a form of Notice of Public Hearing and Intention to Issue Combination Tax and Revenue Certificates of Obligation, the form and substance of which are hereby adopted and approved.

Section 2. PUBLICATION OF NOTICE. Said Notice shall be published, in substantially the form attached hereto, in a newspaper, as defined in Subchapter C of Chapter 2051, Texas Government Code, of general circulation in said City once a week for two consecutive weeks, the date of the first publication thereof to be at least forty-five (45) days prior to the date tentatively set for passage of the ordinance authorizing the issuance of such certificates.

Section 3. POSTING OF NOTICE ON WEBSITE. Further, said Notice shall be posted in substantially the form attached hereto continuously on the City's website for at least forty-five (45) days prior to the date tentatively set for passage of the ordinance authorizing the issuance of such certificates.

PASSED AND APPROVED this 3rd day of March, 2022.

ATTEST:

THE CITY OF LEANDER, TEXAS

Dara Crabtree, City Secretary

Christine DeLisle, Mayor

Exhibit "A"
NOTICE OF PUBLIC HEARING AND INTENTION TO ISSUE
COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION

NOTICE IS HEREBY GIVEN that the City Council of the City of Leander, Texas, will convene at its regular meeting place of said City Council located at the Pat Bryson Municipal Hall at 201 North Brushy Street, Leander, Texas at 7:00 p.m. on May 5, 2022, and, during such meeting, the City Council will conduct a hearing on whether to issue combination tax and revenue certificates of obligation, and, upon conclusion of the public hearing, will consider passage of an ordinance and take such other actions as may be deemed necessary to authorize the issuance of combination tax and revenue certificates of obligation in an aggregate principal amount not to exceed \$34,500,000 for the purpose of paying contractual obligations of the City to be incurred for the construction, acquisition and installation of additions, improvements and extensions to the City's Waterworks and Sewer System, including but not limited to the City's participation in the Brushy Creek Regional Wastewater System East Plant expansion, and for the payment of professional services and costs of issuance related thereto. The combination tax and revenue certificates of obligation will be payable from the levy of an annual ad valorem tax, within the limitations prescribed by law, upon all taxable property within the City, and a limited pledge, not to exceed \$1,000, of the surplus revenues of the City's Waterworks and Sewer System. The combination tax and revenue certificates of obligation are to be issued, and this notice is given, under and pursuant to the provisions of the Certificate of Obligation Act of 1971, as amended, Local Government Code Section 271.041, et. seq.

As further required by Local Government Code Section 271.049(b), the following additional information is provided:

- (A) The current principal of all outstanding debt obligations of the City is \$154,350,000.00.
- (B) The current combined principal and interest required to pay all outstanding debt obligations of the City on time and in full is \$204,937,875.00.
- (C) The maximum principal amount of the certificates to be authorized is \$34,500,000.00.
- (D) The estimated combined principal and interest required to pay the certificates to be authorized on time and in full is approximately \$61,835,541.67.
- (E) The estimated interest rate for the certificates to be authorized is 5.00%.
- (F) The maximum maturity date of the certificates to be authorized is August 15, 2047.

Pursuant to Texas Local Government Code § 271.049, an election on the question of the issuance of the certificates will be called if before the time tentatively set for the authorization and issuance or if before the authorization of the certificates, the City Secretary receives a petition signed by at least five percent of the qualified voters of the City protesting the issuance of the certificates, the City may not issue the certificates unless the issuance is approved at an election ordered, held and conducted in the manner provided for bond elections.

Christine DeLisle
Mayor, City of Leander, Texas

**INTERLOCAL AGREEMENT REGARDING
ALLOCATION OF COSTS FOR THE EXPANSION TO
THE EAST WASTEWATER TREATMENT PLANT OF THE BRUSHY CREEK
REGIONAL WASTEWATER SYSTEM**

THIS INTERLOCAL AGREEMENT REGARDING THE ALLOCATION OF COSTS FOR THE EXPANSION TO THE EAST WASTEWATER TREATMENT PLANT OF THE BRUSHY CREEK REGIONAL WASTEWATER SYSTEM ("Agreement") is entered into between the City of Austin, ("**Austin**"), the City of Cedar Park ("**Cedar Park**"), the City of Leander, ("**Leander**"), and the City of Round Rock, ("**Round Rock**"). In this Agreement, Austin, Cedar Park, Leander, and Round Rock are sometimes individually referred to as "**Party**" and collectively referred to as "**Parties**".

Recitals

WHEREAS, on June 4, 2010, the cities of Austin, Cedar Park, Leander, and Round Rock (the "Cities") entered into an Amended and Restated Master Contract for the Financing, Construction, Ownership and Operation of the Brushy Creek Regional Wastewater System, (the "Master Agreement"); and

WHEREAS, Section 3.06 of the Master Agreement provides for the procedures to be followed to accomplish the design and construction of expansions to the System, including the execution of interlocal agreements such as this Agreement; and

WHEREAS, the Parties have agreed to jointly pursue an expansion of the System that will provide for a total of 10 million gallons per day of additional wastewater treatment capacity to meet future wastewater treatment demands of the Parties based on projected population growth; and

WHEREAS, the purpose of this Agreement is to set forth the terms and conditions of the allocation of costs for the expansion of the Project, and pursuant to which the Parties will cost participate in all costs and expenses related thereto; and

WHEREAS, this Agreement replaces in its entirety that one certain Interlocal Agreement Regarding Allocation of Costs for the Re-rating of and Expansion to the East Wastewater Treatment Plant of the Brushy Creek Regional Wastewater System entered into by the Parties and dated the 19th day of June, 2017;

NOW, THEREFORE, in consideration of the foregoing premises and the mutual promises and agreements of the Parties contained in this Agreement, the Parties agree as follows:

**I.
DEFINITIONS**

When used in this Agreement, capitalized terms not otherwise defined shall have the meanings set forth below:

- 1.01** "Agreement" means this Interlocal Agreement Regarding the Allocation of Costs for the Expansion to the East Wastewater Treatment Plant of the Brushy Creek Regional Wastewater System.
- 1.02** "Austin" means the City of Austin, Texas.
- 1.03** "Cedar Park" means the City of Cedar Park, Texas.
- 1.04** "Cost Allocation Percentage" means the percentage of Project Costs to be paid by each Party. The Project Cost Allocation Percentages are set forth on Exhibit "A" attached hereto.
- 1.05** "Effective Date" means the last date of execution of this Agreement by the Parties; provided all of the Parties must execute this Agreement for it to be effective.
- 1.06** "Leander" means the City of Leander, Texas.
- 1.07** "Master Agreement" means the Amended and Restated Master Contract for the Financing, Construction, Ownership and Operation of the Brushy Creek Regional Wastewater System dated June 4, 2010.
- 1.08** "Operations Committee" or "OC" means the Operations Committee created in Section 4.6 of the Master Agreement.
- 1.09** "Party" or "Parties" means Austin, Cedar Park, Leander, and/or Round Rock, individually or collectively, as applicable.
- 1.10** "Project" means: the efforts to design and construct the necessary 10 million gallons per day expansion of the East Wastewater Treatment Plant.
- 1.11** "Project Consultant(s)" means one or more of the firms engaged by the Parties to perform Project Consulting Services.
- 1.12** "Project Consulting Contract(s)" means those certain contracts for engineering and related services to be approved by the Parties pursuant to which the Project Consultant(s) shall provide Project Consulting Services.
- 1.13** "Project Consulting Services" means the services required for the for preliminary and final engineering and other services to be performed by the Project Consultant(s) pursuant to the Project Consulting Contracts in order to complete the objectives of the Project.
- 1.14** "Project Costs" means all costs and expenses incurred by the Parties in furtherance of the Project.
- 1.15** "Project Fund" means a fund to be established and administered by Round Rock in accordance with Section 4.02 in order to provide monies to pay the Project Costs.
- 1.19** "Round Rock" means the City of Round Rock, Texas.
- 1.20** "System" means the Brushy Creek Regional Wastewater System.

II. OPERATIONS COMMITTEE

2.01 Responsibility of the OC. The OC shall:

- (i) Attend and participate in regular meetings with the Project Consultant(s) to monitor the status of the Project and to provide direction and recommendations with respect thereto;
- (ii) Review and unanimously approve, in writing, reports for the Project produced by the Project Consultant(s);
- (iii) Review and unanimously approve, in writing, any revisions to the scope to be performed by the Project Consultant(s);
- (iv) Review and unanimously approve in writing other contracts necessary for the completion of the Project;
- (v) Confirm in writing the final completion of Project; and
- (vi) Address any other pertinent matters relating to the Project.

The OC shall meet at regular intervals to review the matters over which it has authority. The OC shall be diligent, prompt and timely in reviewing and acting on matters submitted to it.

III. CONSULTANT SERVICES

3.01 Consultant Services.

- (a) The Parties intend to enter into Project Consultant Contracts in the form unanimously approved by the Parties.
- (b) After the scope of Project Consultant Contracts is approved, including any proposed changes to a Project Consultant's compensation, the Project Consultant Contracts may only be modified by unanimous written authorization from the Parties, such authorization shall be set forth in a "Supplemental Contract".

3.02 OC Participation.

- (a) The OC shall prepare a schedule of meetings with the Project Consultant(s) that shall be approved by all members of the OC. The foregoing shall not be construed to prohibit any Party from communicating with Project Consultant(s) regarding the Project Consultant Services without the presence or participation of the other Parties, or from meeting with the Project Consultant(s) when it is not practicable to schedule a meeting with the OC.
- (b) The Parties agree that the final design of the Project will not be finalized until the OC has reviewed and unanimously approved in writing such design.

(c) Within ten (10) business days of receipt of any preliminary and/or final reports prepared by the Project Consultant(s), the members of the OC shall specify in writing to each other any objections regarding the draft reports, and any proposed revisions thereto. If any member of the OC fails to object in writing to the report within the ten (10)-business-day period, then that member shall be deemed to have approved the draft report. In the event that any member of the OC timely objects to the draft report, then the OC shall endeavor in good faith to resolve the matter by unanimous agreement. If the OC cannot unanimously agree to the proper resolution within fifteen (15) business days, then the OC shall refer the dispute to the respective City Managers of the Parties. The City Managers shall work diligently and in good faith to resolve the dispute as quickly as possible so as not to jeopardize the completion of the Project.

3.03 Work Product.

(a) Any Party is entitled to copies of any work product produced by the Project Consultant(s) in connection with the Project Consultant Services. The Party requesting a copy of such information shall pay all reasonable costs incurred in preparing and furnishing the copies.

(b) In accordance with, and subject to the terms and conditions set forth in the Project Consultant Contracts, the Parties may utilize the work product produced by the Project Consultant(s) for their own purposes.

IV. PROJECT COSTS.

4.01 Payment of Project Costs.

(a) All Project Costs shall be shared by the Parties according to the Cost Allocation Percentages, as set forth in Exhibit "A" attached hereto.

(b) The Parties agree that Project Consultant(s) will be instructed to send all invoices to Round Rock and that upon receipt of each invoice from the Project Consultant(s), Round Rock shall review the invoice and confirm that the Project Services have been completed in accordance with the request for payment.

(c) Upon Round Rock's approval of each invoice for Project Costs, Round Rock will transmit a copy of the approved invoice to each Party's representative on the OC. Within ten (10) business days of receipt of the invoice for payment, the members of the OC shall specify in writing to Round Rock any objections regarding the invoice for payment. If any member of the OC fails to object in writing to the invoice within the ten (10) business day period, then the Party represented by such OC member shall be deemed to have approved the invoice for payment. In the event that any member of the OC timely objects to the invoice, then the matter shall be resolved in accordance with the following procedures:

(i) If the objection relates to the performance of work or services by a Project Consultant, then the OC shall exercise all rights to which it is entitled under the Project Consulting Contract to resolve the dispute, require correction of the defective work, and otherwise address the concern of the objecting member of the OC.

(ii) In the event that any member of the OC objects to an invoice for reasons not related to the performance of work or services by the Project Consultant, then the OC shall endeavor in good faith to resolve the matter by unanimous agreement. If the OC cannot unanimously agree to the proper resolution within thirty (30) calendar days of the date of written objection, then the invoice shall be paid as received; provided, however, that any Party may subsequently seek a determination of the dispute through the dispute resolution process set forth in Sec. 4.03 below, and the allocation of costs between the Parties shall be adjusted in accordance with such determination. Any such request for dispute resolution must be brought within thirty (30) calendar days of the date of written objection.

(iii) In the event that Project Costs exceed agreed upon estimates, then the OC must approve such overruns by unanimous agreement. If the OC cannot unanimously agree, then the matter shall be submitted to the City Managers for resolution as set forth in Sec. 4.03.

(e) The Parties agree that the reasonable compensation cost for Round Rock's performing the aforesaid financial administration and other general administrative services is the sum of \$2,000 per month, beginning when the first Project Consultant Contract is executed, and ending with the completion of the the construction of the Project , which costs shall be shared and allocated among the Parties (including Round Rock) according to the Cost Allocation Percentages set forth in Exhibit "A".

(f) In the event of termination of this Agreement prior to the completion of the Project, all Parties shall provide payment of their pro rata share of the Project Costs incurred prior to and through the date of the termination.

4.02 Project Fund.

(a) The Parties shall contribute monies to the Project Fund in accordance with the following provisions:

(i) Within ten (10) calendar days of execution of the Project Consulting Contract(s) by the Parties, and the execution of the construction contract(s), each Party shall deposit into the Project Fund a sum, which represents twenty five percent (25%) of each Party's share of the estimated Project Costs. The Project Fund shall be placed in an interest-bearing account, and the interest shall become part of the Project Fund.

(ii) At such time as the balance in the Project Fund is substantially depleted, as determined in Round Rock's reasonable discretion, Round Rock shall provide written notice (by email or otherwise) thereof to the other Parties, each of which shall have thirty (30) calendar days to deposit into the Project Fund an additional payment, in the same amount as originally deposited. Each notice by Round Rock shall be accompanied by a written accounting report that identifies in reasonable detail all prior expenditures from the Project Fund.

(iii) The foregoing process shall continue until such time as the Project Costs have been paid in full. In the event that the Project Costs exceed the original

estimate, after prior notice to the Parties of the cost exceedance and what was considered to avoid such costs, each Party shall deposit within the Project Fund a sum equal to the product determined by multiplying each Party's Cost Allocation Percentage by the cost exceedance..

(b) In the event that there are remaining funds within the Project Fund upon final completion of the Project, then Round Rock shall promptly divide and remit within 30 calendar days such funds to the Parties on a pro rata basis according to the percentage of all Project Costs previously paid by each of the Parties. Payment shall be accompanied by a written accounting describing the basis for calculation of payment to each Party.

(c) All interest that accumulates within the Project Fund shall remain within such fund for payment of Project Costs.

Disputes. In the event of any disputes among the Parties, the Parties agree that the City Managers shall work diligently and in good faith to resolve the dispute as quickly as possible so as not to jeopardize the completion of the Project.

V. GENERAL PROVISIONS

5.01 Authority. This Agreement is made in part under the authority conferred in Chapter 791, *Texas Government Code* and Section 552.001, *Texas Local Government Code*.

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

5.03 Payments from Current Revenues. Any payments required to be made by a Party under this Agreement will be paid from current revenues or other funds lawfully available to the Party for such purpose. The obligation of Parties to make payments to Round Rock will not constitute a general obligation or indebtedness of the Parties that obligate a Party to levy or pledge any revenue from taxes.

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

5.05 Entire Agreement. Except as otherwise expressly provided herein, this Agreement contains the entire agreement of the Parties regarding the sharing of costs for the Project Consulting Services and supersedes all prior or contemporaneous understandings or representations, whether oral or written, regarding the subject matter. The Parties confirm that further agreements regarding the Project are contemplated and will not be affected or limited by this Agreement.

5.06 Amendments. Any amendment of this Agreement must be in writing and will be effective if signed by the authorized representatives of the Parties.

5.07 Applicable Law; Venue. This Agreement will be construed in accordance with Texas law. Venue for any action arising hereunder will be in Williamson County, Texas.

Notices. Any notices given under this Agreement will be effective if (i) forwarded to a Party by hand-delivery; (ii) transmitted to a Party by confirmed telecopy; or (iii) deposited with the U.S. Postal Service, postage prepaid, certified, to the address of the Party indicated below:

AUSTIN:

P.O. Box 1088
Austin, Texas 78767
Attn: Director, Austin Water
Telephone: (512) 972-0109

with copy to:

City Law Department
P.O. Box 1088
Austin, Texas 78767
Attn: Division Chief, Utility & Regulatory
Division

CEDAR PARK:

450 Cypress Creek Road, Bldg. 1
Cedar Park, Texas 78613
Attn: Sam Roberts
Telephone: (512) 401-5000
Email: sam.roberts@cedarparktexas.gov

with copy to:

J.P LeCompte
City Attorney
450 Cypress Creek Road, Bldg. 1
Cedar Park, Texas 78613
Email: JP.LeCompte@cedarparktexas.gov

ROUND ROCK:

221 East Main
Round Rock, Texas 78664
Attn: Michael Thane
Telephone: (512) 218-3236
Email: mthanelhadley@roundrocktexas.gov

with copy to:

Steve Sheets
309 E. Main Street
Round Rock, Texas 78664-5264
Telephone: (512) 255-8877
Email: steve@scrllaw.com

LEANDER:

P.O. Box 319
Leander, Texas 78646-0319
Attn: Wayne Watts
Telephone: (512) 259-1178
Email: w.watts@ci.leander.tx.us

with copy to:

Paige Saenz
223 W. Anderson Lane, Suite A-105
Austin, Texas 78752
Telephone: (512) 323-5778
Email: paige@cityattorneytexas.com

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

5.09 Independent Contractor. Each of the Parties shall have the status of an independent contractor hereunder and shall be solely responsible for the proper direction of its employees hereunder and each Party's employees shall not be considered employees or borrowed servants of any of the other parties for any reason.

5.10 No Third Party Beneficiaries. This Agreement shall inure only to the benefit of the Parties and third parties not privy to this Agreement shall not, in any form or manner, be considered a third party beneficiary of this Agreement.

5.11 Conflict. If there is a conflict between the Master Agreement and this Agreement, the provisions of this Agreement shall control.

5.12 Termination. This Agreement may be terminated by mutual agreement of the Parties. If this Agreement is terminated by the Parties prior to its completion of Project Consulting Services, then the terms and conditions of the Master Agreement shall control. Any outstanding balance within the Project Fund will be returned proportionally in accordance with the applicable Exhibit percentages. The Parties shall then work cooperatively with due diligence to determine how to address existing and future wastewater treatment capacity issues.

5.13 Default. In the event that one Party believes that the other Party is in default of any of the provisions in this agreement, the non-defaulting party will make written demand to cure to the defaulting party and give the defaulting party up to thirty days to cure the default or, if the curative action cannot reasonably be completed within thirty days, the defaulting party will commence the curative action within thirty days and thereafter diligently pursue the curative action to completion. This period must pass before the non-defaulting party may initiate any remedies available to the non-defaulting party due to such default. The non-defaulting party shall mitigate direct or consequential damages arising from any default to the extent reasonably possible under the

circumstances. The parties agree that they will use their best efforts to resolve any disputes and may engage in non-binding arbitration or other alternative dispute resolution methods as recommended by the laws of the State of Texas before initiating any lawsuit to enforce their rights under this agreement. Nothing in this agreement shall be construed to limit either party's right to recover damages or to seek other appropriate curative remedies if a breach of contract action is filed by a non-defaulting party to this Agreement.

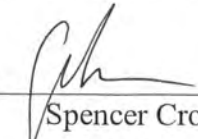
5.14 Counterparts. Effect of Partial Execution. This Agreement may be executed simultaneously in multiple counterparts, each of which will be deemed an original, but all of which will constitute the same instrument.

5.15 No Waiver of Immunities or Defenses. Nothing in this Agreement shall be deemed to waive, modify or amend any immunity or legal defense available at law or in equity to the Parties, their past or present officers, employees, or agents or employees, nor to create any legal rights or claim on behalf of any third party.

5.16 Authority. Each Party represents and warrants that it has the full right, power and authority to execute this Agreement.

(SIGNATURES ON FOLLOWING PAGES)

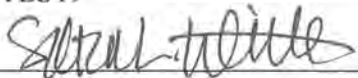
CITY OF AUSTIN:

By:  _____
Spencer Cronk, City Manager

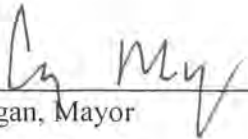
Date: 1/10/19

CITY OF ROUND ROCK:

ATTEST:



Sara White, City Clerk

By: 

Craig Morgan, Mayor

Date: 10.25.18

CITY OF CEDAR PARK: *JPR*

ATTEST:

LeAnn Quinn

LeAnn Quinn, City Secretary

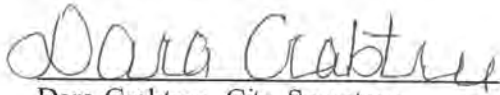
By: *Corbin Van Arsdale*

Corbin Van Arsdale, Mayor

Date: 10 - 25 - 18

CITY OF LEANDER:

ATTEST:


Dara Crabtree, City Secretary

By: 
Troy Hill, Mayor

Date: 10-18-18

EXHIBIT A
Allocation of Expansion Project Costs

City	Expansion Capacity (MGD)	Cost Allocation
Round Rock	1.20	12.00%
Leander	4.23	42.30%
Cedar Park	2.10	21.00%
Austin	2.47	24.70%
TOTALS	10.00	100.00%



EXECUTIVE SUMMARY
03/03/2022

AGENDA SUBJECT:

Discuss and consider action on a Resolution initiating the process to refinance two (2) developer reimbursement agreements for the Northern Improvement Area of the Deerbrooke Public Improvement District with special assessment revenue bonds in an amount not to exceed \$2,850,000.00.

BACKGROUND:

The Deerbrooke PID was created on June 15, 2017 and encompasses two hundred sixty (260) acres with full build-out of seven hundred eighty-six (786) lots. On October 19, 2017, the City Council approved the Service and Assessment Plan (SAP) and subsequently authorized the issuance of two (2) series of bonds for the public improvements identified in the SAP — \$8,650,000.00 for the Southern Improvement Area (SIA) and \$2,535,000.00 for the Northern Improvement Area (NIA).

In addition to the bonds, the original SAP included provisions to reimburse the developer directly over time through annual assessments in lieu of issuing additional bonds. In 2017, when the Deerbrooke PID was created, the debt to land value ratios could only support a certain level of debt financing. At present, there are two (2) approved Developer Reimbursement Obligations - the first approved in 2017 in the amount of \$2,215,000.00 and the second approved in 2020 in the amount of \$633,524.00. All developer reimbursements, whether through bond proceeds or directly from the reimbursement obligations, are contingent upon the developer expending funds equal to or greater than the approved amounts on authorized public infrastructure within the PID.

The reimbursement obligations (RO) are structured similar to traditional debt-financing (i.e., annual principal and interest payments). However, the interest rates used in the RO's are considerably higher than interest rates that can be achieved in the market today. Now that development of both sections of the Deerbrooke PID is underway, the debt to value ratios can support replacing the RO's with debt financing. The homeowners within the Northern Improvement Area of the Deerbrooke PID will see a modest reduction in their annual assessments. The developer will receive payment now for constructed infrastructure.

The City's Financial Advisor estimates annual savings to be approximately \$15,000.00 to \$20,000.00 over the life of the PID or a total of approximately \$450,000.00. If Council approves the resolution, City staff will work with our financial advisor and bond counsel to seek market-based competitive pricing and bring back results for City Council approval on May 5, 2022.

RECOMMENDATION:

Staff recommends approval to start the process.

PRESENTER:

Robert Powers, Executive Director of Finance

Attachments

1. Resolution
2. Deerbrooke SAP
3. Pro Forma Cost Savings

A RESOLUTION OF THE CITY OF LEANDER, TEXAS

RESOLUTION NO.

RESOLUTION INITIATING THE PROCESS TO REFINANCE TWO (2) DEVELOPER REIMBURSEMENT AGREEMENTS FOR THE NORTHERN IMPROVEMENT AREA OF THE DEERBROOKE PUBLIC IMPROVEMENT DISTRICT WITH SPECIAL ASSESSMENT REVENUE BONDS IN AN AMOUNT NOT TO EXCEED \$2,850,000.

WHEREAS, the Deerbrooke PID was created on June 15, 2017 and encompasses two hundred sixty (260) acres with full build-out of seven hundred eighty-six (786) lots, and;

WHEREAS, On October 19, 2017, the City Council approved the Service and Assessment Plan (SAP) and subsequently authorized the issuance of two (2) series of bonds for the public improvements identified in the SAP in the amount of \$8,650,000 for the Southern Improvement Area (SIA) and \$2,535,000 for the Northern Improvement Area (NIA), and;

WHEREAS, in addition to the special assessment bonds, the Leander City Council has previously approved two reimbursement obligation agreements with the Developer of the Deerbrooke PID, and;

WHEREAS, all developer reimbursements, whether through bond proceeds or directly from the reimbursement obligation agreements, are contingent upon the developer expending funds equal to or greater than the approved amounts on authorized public infrastructure within the PID, and;

WHEREAS, the City has determined that issuing special assessment revenue bonds to replace the developer reimbursement obligation agreements will result in cost savings to property owners within the Northern Improvement Area of the Deerbrooke PID.

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

SECTION 1: The City Council hereby instructs City staff to seek market-based competitive pricing of special assessment revenue bonds and bring back results for City Council approval on May 5, 2022.

PASSED, ADOPTED AND APPROVED on this ____ day of March, 2022.

ATTEST:

CITY OF LEANDER, TEXAS

Dara Crabtree, City Secretary

Christine DeLisle, Mayor



www.FinanceDTA.com

ANNUAL SERVICE AND ASSESSMENT PLAN (SAP) UPDATE (2021)

CITY OF LEANDER

DEERBROOKE PUBLIC IMPROVEMENT
DISTRICT

Report Date: AUGUST 19, 2021

Public Finance
Public-Private Partnerships
Development Economics
Clean Energy Bonds

*Newport Beach | San Jose | San Francisco | Riverside
Dallas | Houston | Raleigh | Tampa*



www.FinanceDTA.com

8117 Preston Road, Suite 300
Dallas, TX 75225

CITY OF LEANDER



ANNUAL SERVICE AND ASSESSMENT PLAN (SAP) UPDATE (2021)

DEERBROOKE PUBLIC IMPROVEMENT DISTRICT

Prepared for:

City of Leander

105 North Brushy Street

Leander, TX 78641

Attention: Robert Powers, Finance Director

TABLE OF CONTENTS

	<u>SECTION</u>	
I	INTRODUCTION.....	1
II	ANNUAL SERVICE PLAN UPDATE.....	2
A	PID Bonded Indebtedness.....	2
B	5-Year PID Cash Flow Projections.....	3
C	Description of Authorized Improvements.....	4
D	Estimated Cost of Authorized Improvements.....	5
III	ASSESSMENT PLAN	9
A	Method of Assessment.....	9
B	Annual Assessment Installments.....	11
C	Amended Assessment Roll.....	12

<u>APPENDICES</u>	
APPENDIX A	SIA ASSESSMENT ROLL
APPENDIX B	NIA ASSESSMENT ROLL

I INTRODUCTION

The Deerbrooke Public Improvement District (the "PID") was created on June 15, 2017, by Resolution No. 17-015-00 of the City of Leander (the "City") in accordance with the Public Improvement District Act, being Chapter 372 of the Texas Local Government Code (the "PID Act") to finance and/or reimburse the costs of certain Authorized Improvements for the benefit of the property in the PID. A Service and Assessment Plan (the "Service and Assessment Plan" or "SAP") was subsequently prepared at the direction of the City identifying the Authorized Improvements and their estimated costs, the manner of assessing the property in the PID for the costs of the Authorized Improvements, and the indebtedness to be incurred. Following a public hearing held on October 19, 2017, the City accepted and approved the Service and Assessment Plan and levied Southern Improvement Area Special Assessments with the adoption of Ordinance No. 17-051-00 (the "2017 Assessment Ordinance"). The \$8,650,000 Series 2017 SIA Bonds were issued on November 14, 2017, pursuant to Ordinance No. 17-071-00 adopted by the City Council on October 19, 2017. The \$2,535,000 Series 2017 NIA Bonds were issued on November 14, 2017, pursuant to Ordinance No. 17-072-00 also adopted by the City Council on October 19, 2017.

The City and Deerbrooke Austin Land, LLC (the "Developer") entered into a Reimbursement Agreement dated as of August 17, 2017 (the "Reimbursement Obligation") pursuant to which the City agreed to reimburse the Developer for the costs of certain Major Improvements benefiting the Northern Improvement Area.

The City and the Developer entered into a separate Reimbursement Agreement dated as of June 18, 2020 (the "2020 Reimbursement Obligation") pursuant to which the City agreed to reimburse the Developer for the costs of certain Northern Neighborhood Improvements benefiting the Northern Improvement Area. Following a public hearing held on June 18, 2020, the City levied separate Future Northern Improvement Area Assessments (referred to hereinafter as the "2020 Northern Improvement Area Special Assessments") for the payment of the 2020 Reimbursement Obligation with the adoption of Ordinance No. 20-012-00 (the "2020 Assessment Ordinance").

Pursuant to Sections 372.013 and 372.014 of the PID Act and the ordinance approving this Annual Service and Assessment Plan (SAP) Update (2021) to the Service and Assessment Plan (the "Annual Service Plan Update"), the Service and Assessment Plan is to be reviewed and updated annually in August of each year or as soon as thereafter practical and is to include an Assessment Plan. This Annual Service Plan Update for 2021 is comprised of the following parts:

- Annual Service Plan Update;
- Assessment Plan; and
- Assessment Roll.

II ANNUAL SERVICE PLAN UPDATE

Section 372.013 of the PID Act requires that the Annual Service Plan Update (i) define the annual indebtedness and the projected costs of the Authorized Improvements and (ii) cover a period of at least five (5) years.

A PID Bonded Indebtedness

The sources and uses of funds for the Series 2017 Bonds, the Reimbursement Obligation, and the 2020 Reimbursement Obligation is shown in Table II-1 below. The City and the Project Developer are in discussions to possibly redeem the Reimbursement Obligation and the 2020 Reimbursement Obligation through an issuance of additional PID bonds. Importantly, these new bonds would almost certainly carry a lower interest rate than the two reimbursement obligations, resulting in savings to property owners within the PID. The Reimbursement Obligation carries an interest rate of 5.517% and the 2020 Reimbursement Obligation carries an interest rate of 5.783%. Any savings generated would lower the annual installments outlined in the attached amortization schedules.

Table II-1: Sources and Uses of Funds

		NIA			SIA
	Total	NIA Series 2017	Reimbursement Obligation²	2020 Reimbursement Obligation²	SIA Series 2017
Sources of Funds					
Bond Proceeds	\$11,185,000	\$2,535,000	\$0	\$0	\$8,650,000
Reimbursement Obligation	\$2,848,524	\$0	\$2,215,000	\$633,524	\$0
Original Issue Discount	(\$115,125)	(\$28,625)	(\$0)	(\$0)	(\$86,500)
Total Sources of Funds	\$13,918,399	\$2,506,375	\$2,215,000	\$633,524	\$8,563,500
Uses of Funds					
Owner-Funded Infrastructure	\$0	\$0	\$0	\$0	\$0
Bond-Funded Infrastructure					
Major	\$6,631,261	\$2,000,425	\$1,732,139	\$0	\$2,898,697
Neighborhood	\$4,666,302	\$0	\$0	\$608,524	\$4,057,778
Costs of Issuance	\$689,178	\$127,713	\$136,300	\$0	\$425,165
Underwriting	\$406,918	\$78,152	\$68,287	\$0	\$260,479
Reserve Fund	\$907,460	\$175,150	\$165,973	\$0	\$566,338
Capitalized Interest	\$528,780	\$106,185	\$93,552	\$0	\$329,044
Administrative Expenses	\$88,500	\$18,750	\$18,750	\$25,000¹	\$26,000
Total Uses of Funds	\$13,918,399	\$2,506,375	\$2,215,000	\$633,524	\$8,563,500

Note: May not sum due to rounding.

¹ Represents first-year administrative costs only.

² Subject to change.

B 5-Year PID Cash Flow Projections

Projected debt service and assessment installments for a 5-year period are shown in Tables II-2 and II-3.

Table II-2: 5-Year Cash Flow Projections (Series 2017 NIA Bonds, Reimbursement Obligation, and 2020 Reimbursement Obligation)

Description	Total	2021	2022	2023	2024	2025
Revenues						
Assessment Installments	\$2,129,655	\$423,827	\$427,060	\$425,028	\$428,011	\$425,729
Capitalized Interest	\$0	\$0	\$0	\$0	\$0	\$0
Total Revenues	\$2,129,655	\$423,827	\$427,060	\$425,028	\$428,011	\$425,729
Expenditures						
Interest	\$609,081	\$126,788	\$124,481	\$121,919	\$119,356	\$116,538
Principal	\$255,000	\$45,000	\$50,000	\$50,000	\$55,000	\$55,000
Additional Interest Reserve	\$57,825	\$12,050	\$11,825	\$11,575	\$11,325	\$11,050
Reimbursement Obligation	\$774,096	\$154,819	\$154,819	\$154,819	\$154,819	\$154,819
2020 Reimbursement Obligation	\$234,598	\$46,920	\$46,920	\$46,920	\$46,920	\$46,919
Administrative Expenses	\$199,055	\$38,250	\$39,015	\$39,795	\$40,591	\$41,403
Total Expenditures	\$2,129,655	\$423,827	\$427,060	\$425,028	\$428,011	\$425,729

Note:

*May not sum due to rounding. Additionally, administrative expenses have been reset to pre-escalated levels.

Table II-3: 5-Year Cash Flow Projections (Series 2017 SIA Bonds)

Description	Total	2021	2022	2023	2024	2025
Revenues						
Assessment Installments	\$3,137,918	\$626,952	\$629,629	\$626,902	\$628,914	\$625,522
Capitalized Interest	\$0	\$0	\$0	\$0	\$0	\$0
Total Revenues	\$3,137,918	\$626,952	\$629,629	\$626,902	\$628,914	\$625,522
Expenditures						
Interest	\$1,880,619	\$390,850	\$383,838	\$376,413	\$368,781	\$360,738
Principal	\$930,000	\$170,000	\$180,000	\$185,000	\$195,000	\$200,000
Additional Interest Reserve	\$194,325	\$40,650	\$39,800	\$38,900	\$37,975	\$37,000
Administrative Expenses	\$138,011	\$26,520	\$27,050	\$27,591	\$28,143	\$28,706
Total Expenditures	\$3,142,955	\$628,020	\$630,688	\$627,904	\$629,899	\$626,444

Notes: Due to prepayment of assessments, expenditures exceed revenues in the short-term. Additional bond calls will be made in order to remedy the shortfall. Additionally, administrative expenses have been reset to pre-escalated levels.

C Description of Authorized Improvements

A description of each of the Authorized Improvements is listed below.

C.1 Major Improvements

- Deer Rim Road/Stone Branch Drive – These improvements consist of the construction of the full distance of Deer Rim Road and Stone Branch Drive up to the intersection with Sage Ranch Drive. These Major Improvements will provide road and thoroughfare access to all phases of the Project and consist of the construction of related earthwork, paving, sidewalks, retaining walls, signage, traffic control devices, manholes, storm drainage systems, water/waste water trunk mains, pipes, valves, and associated appurtenances, all of which benefit the entire Assessed Property within the PID.
- Sage Ranch Drive – These improvements consist of the construction of the full distance of Sage Ranch Drive. These Major Improvements will provide road and thoroughfare access to all phases of the Project and consist of the construction of related earthwork, paving, sidewalks, retaining walls, signage, traffic control devices, manholes, storm drainage systems, water/waste water trunk mains, pipes, valves, and associated appurtenances, all of which benefit the entire Assessed Property within the PID.
- Collector Creek Crossing Drainage Improvements – The Collector Creek Crossing is a bridge along Stone Branch Drive, which will include the construction of retaining wall, box culvert, head wall, and pedestrian handrail improvements all of which benefit the entire Assessed Property within the PID. The retaining wall, box culvert, head wall, and pedestrian handrail improvements have been constructed according to City standards, determined in the City's sole discretion.
- Lift Station – The improvements consist of the construction and installation of a lift station and the pipes, service lines, manholes, encasements, and associated appurtenances, all of which benefit the entire Assessed Property within the PID.
- Off-Site Force Main – These improvements consist of the construction and installation of a force main and the pipes, service lines, manholes, encasements, and associated appurtenances, all of which benefit the entire Assessed Property within the PID.

C.2 Southern Neighborhood Improvements

- Water Quality Ponds – These improvements consist of the construction of detention ponds with associated appurtenances to appropriately control and

convey storm water, all of which benefit the entire Assessed Property within the SIA.

- **Enhanced Landscaping** – These improvements consist of the installation of landscaping along Halsey Way, at both entrances to Deerbrooke, at the trailhead park, on trails and in other open spaces and common areas in the SIA. The entryway monuments and associated signage will be constructed and installed in a manner consistent with those typically associated with master planned communities. The entryway monuments and signage are of high quality and low profile displaying neighborhood name and indicating directional information to the Project. These improvements will be constructed according to City standards, determined in the City's sole discretion.

C.3 Northern Neighborhood Improvements

- **Water Quality Ponds** – These improvements consist of the construction of detention ponds with associated appurtenances to appropriately control and convey storm water all of which benefit the entire Assessed Property within the NIA.
- **Stone Branch Drive** – These improvements consist of the construction of Stone Branch Drive north of the intersection with Sage Ranch Drive. These improvements will provide road access to the NIA and consist of related earthwork, paving, sidewalks, retaining walls, signage, traffic control devices, manholes, storm drainage systems, water/waste water trunk mains, pipes, valves, and associated appurtenances, all of which benefit the entire Assessed Property within the NIA.
- **Enhanced Landscaping** – These improvements consist of the installation of landscaping along Sage Ranch Road north of the creek and in other open spaces and common areas in the NIA. The entryway monuments and associated signage will be constructed and installed in a manner consistent with those typically associated with master planned communities. The entryway monuments and signage will be of high quality and low profile displaying neighborhood name and indicating directional information to the Project. These improvements will be constructed according to City standards, determined in the City's sole discretion.

D Estimated Cost of Authorized Improvements

The Series 2017 Bonds, the Reimbursement Obligation, and 2020 Reimbursement Obligation will fund all or a portion of the costs of the Authorized Improvements. The estimated costs of the Authorized Improvements are shown in **Tables II-4 and II-5**. The information within the following tables was provided by the Developer.

Table II-4: SIA Progress and Milestone Forecast Table

Description	Construction Budget and Completed/Paid to Date				
	Total Budget	Actual Complete at 6/17/2021	% Actual Complete	Actual Paid as of 6/17/2021	% Actual Paid
Major Improvements					
Deer Rim Road/Stone Branch Drive	\$1,155,881	\$1,155,881	100.00%	\$1,155,881	100.00%
Sage Ranch Drive	\$495,074	\$495,074	100.00%	\$495,074	100.00%
Collector Creek Crossing	\$555,457	\$555,457	100.00%	\$555,457	100.00%
Lift Station	\$240,483	\$240,483	100.00%	\$240,483	100.00%
Off-Site Force Main	\$451,801	\$451,801	100.00%	\$451,801	100.00%
Southern Neighborhood Improvements					
Water Quality Ponds	\$3,307,778	\$3,307,778	100.00%	\$3,307,778	100.00%
Enhanced Landscaping	\$750,000	\$750,000	100.00%	\$750,000	100.00%
Total	\$6,956,474	\$6,956,474	100.00%	\$6,956,474	100.00%

Table II-5: NIA Progress and Milestone Forecast Table

Description	Construction Budget and Completed/Paid to Date				
	Total Budget	Actual Complete at 6/17/2021	% Actual Complete	Actual Paid as of 6/17/2021	% Actual Paid
Major Improvements					
Deer Rim Road/Stone Branch Drive	\$789,052	\$789,052	100.00%	\$789,052	100.00%
Sage Ranch Drive	\$1,980,295	\$1,980,295	100.00%	\$1,980,295	100.00%
Collector Creek Crossing	\$379,178	\$379,178	100.00%	\$379,178	100.00%
Lift Station	\$164,164	\$164,164	100.00%	\$164,164	100.00%
Off-Site Force Main	\$308,418	\$308,418	100.00%	\$308,418	100.00%
Northern Neighborhood Improvements					
Water Quality Ponds	\$822,578	\$699,191	85.00%	\$699,191	85.00%
Stone Branch Drive	\$311,309	\$264,613	85.00%	\$264,613	85.00%
Enhanced Landscaping	\$100,000	\$0	0.00%	\$0	0.00%
Total	\$4,854,994	\$4,584,911	94.44%	\$4,584,911	94.44%

E Prepayments

Debt service on the 2017 SIA & NIA Bonds reflects the redemption of bonds from Assessment prepayments and/or from funds transferred to the Redemption Fund. Early redemption of bonds results in interest savings over the life of the PID.

Table II-6: Principal Redeemed from Prepayments

REDEMPTION DATE	IMPROVEMENT AREA	BONDS REDEEMED
July 20, 2021	SIA	\$50,000
TOTAL AMOUNT REDEEMED		\$50,000

III HOME COMPLETION DATA

Until building permits have been issued for parcels or lots representing, in the aggregate, 95% of the total Special Assessments levied within the district, the below table shall reflect the number of new units completed within the District within the current fiscal year, as well as aggregate number of new units. The Southern Improvement Area has passed the 95% building permit threshold, however the Northern Improvement Area has not.

Table III-1: Development Status as of June 30, 2021

Fiscal Year	Units Completed During Prior Fiscal Year	Cumulative Units Completed To Date
2016-17	0	0
2017-18	0	0
2018-19	0	0
2019-20	0	0
2020-21	81	81

IV ASSESSMENT PLAN

Section 372.015 of the PID Act states that the governing body of the municipality shall apportion the cost of an improvement to be assessed against property in an improvement district, and the apportionment shall be made on the basis of special benefits accruing to the property because of the improvement. More specifically, the PID Act provides that the costs of the improvements may be assessed (i) equally per front foot or square foot; (ii) according to the value of the property as determined by the governing body, with or without regard to improvements on the property; or (iii) in any other manner that results in imposing equal shares of the cost on property similarly benefitted.

A Method of Assessment

The Service and Assessment Plan provides that the cost of the Authorized Improvements be assessed to residential property in proportion to estimated average build-out value (i.e., estimated completed home values). Residential build-out values for the NIA are estimated for the following three (3) lot types:

- 40' wide lots;
- 50' wide lots; and
- 60' wide lots

Residential build-out values for the SIA are estimated for the following five (5) lot types:

- 40' wide lots;
- 50' wide lots;
- 60' wide lots;
- 70' wide lots; and
- 80' wide lots.

The special assessments by lot type are shown in **Tables III-1 and III-2** on the following page.

Table IV-1: Northern Improvement Area Special Assessments and Future Northern Improvement Area Special Assessments

Lot Type	Lots	Estimated Build-Out Total	Percent of Total	Total Assessment	Assessment Per Lot
40' Lots	47	\$13,150,990	11.28%	\$607,161	\$12,918.33
50' Lots	267	\$94,362,396	80.92%	\$4,356,570	\$16,316.74
60' Lots	22	\$9,092,602	7.80%	\$419,791	\$19,081.45
Total	336	\$116,605,988	100.00%	\$5,383,524	N/A

Note: May not sum due to rounding.

Table IV-2: Southern Improvement Area Special Assessments

Phase	Lot Type	Lots	Estimated Build-Out Total	Percent of Total	Total Assessment	Assessment Per Lot
1	40'	21	\$5,875,974	3.43%	\$296,788	\$14,132.77
1	50'	79	\$27,919,960	16.30%	\$1,410,202	\$17,850.67
1	60'	50	\$20,665,005	12.07%	\$1,043,763	\$20,875.28
1	70'	12	\$5,292,000	3.09%	\$267,292	\$22,274.36
1	80'	16	\$8,064,000	4.71%	\$407,302	\$25,456.42
2 and 3	50'	155	\$54,779,668	31.99%	\$2,766,853	\$17,850.67
2 and 3	60'	106	\$43,809,810	25.58%	\$2,212,779	\$20,875.28
2 and 3	70'	11	\$4,851,000	2.83%	\$245,018	\$22,274.36
Total		450	\$171,257,418	100%	\$8,650,000	N/A

Note: May not sum due to rounding.

B Annual Assessment Installments

The Southern Improvement Area Special Assessments, the Northern Improvement Area Special Assessments, and the 2020 Northern Improvement Area Special Assessments will be levied on each Parcel or Lot according to the NIA Assessment Roll and SIA Assessment Roll, as applicable, subject to any revisions made pursuant to an Annual Service Plan Update and/or amended and restated SAP. The Annual Installments for the Southern Improvement Area Special Assessments levied for the Series 2017 SIA Bonds, the Northern Improvement Area Special Assessments levied for the Series 2017 NIA Bonds, and the Reimbursement Obligation will be due no later than January 31 of each year beginning in 2018. The Annual Installments for the 2020 Northern Improvement Area Special Assessments are anticipated to be due no later than January 31 of each year beginning in 2021, in the amounts shown on the 2020 NIA Assessment Roll, subject to any revisions made pursuant to an Annual Service Plan Update.

The Special Assessments may be paid in full or in part at any time. If not paid in full, the Special Assessments are payable in annual installments of principal and interest (the "Annual Installments") along with administrative expenses ("Administrative Expenses"). In regards to the Special Assessments securing the Series 2017 Bonds, pursuant to the Service and Assessment Plan and in accordance with Section 372.018 of the PID Act, the Southern Improvement Area Special Assessments and the Northern Improvement Area Special Assessments bear interest at the rate of interest on the Series 2017 NIA Bonds and the Series 2017 SIA Bonds, respectively, plus an additional interest rate which will not exceed 0.50%. The interest in excess of the interest on the Series 2017 Bonds (the "Additional Interest") will be used to fund a separate prepayment reserve (the "Prepayment Reserve") and a delinquency reserve ("Delinquency Reserve") relating to each respective Series 2017 Bond. The 2020 Northern Improvement Area Special Assessments bear interest at a rate of 5.783% through the Maturity Date of the 2020 Reimbursement Obligation. Administrative Expenses will be allocated to each tax parcel in proportion to its Special Assessment balance. Annual Installments for each parcel set forth in the Assessment Roll shall be due on October 1st of the year in which the particular annual installment amount is listed and shall be delinquent if not paid by January 31st of the following year.

Pursuant to Section 372.018(e) of the PID Act, a Special Assessment lien may be enforced by the governing body of the City in the same manner that an ad valorem tax lien against real property may be enforced by the governing body of the City. Foreclosure of accrued installments does not eliminate the outstanding principal balance of the Special Assessment. Any purchaser of the property in foreclosure takes the property subject to the Assessment lien and any associated obligations. Furthermore, in accordance with Section 372.018(f) delinquent installments of the Assessment shall incur interest, penalties, and attorney's fees in the same manner as delinquent ad valorem taxes. The owner of assessed property may pay at any time all or any part of the Special Assessment, with interest that has accrued on the Special Assessment, on any lot or parcel in the PID.

C Amended Assessment Roll

The Assessment Roll is to be updated each year to reflect (i) the Special Assessments and Annual Installments for each tax parcel in the PID and (ii) prepayments of the Special Assessments, if any. The Special Assessments in the Assessment Roll reflect the number and type of lots projected for each tax parcel as shown in the Service and Assessment Plan. The 2021 Assessment Rolls is attached as Appendix A.

Multiple lots have been recorded resulting in the subdivision of Parcel IDs R031697 (NIA) and R031695 (SIA).

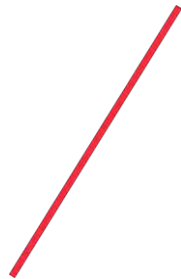
- Parcel ID R031697 was subdivided into one hundred fifty-six (156) 50' lots, as well as additional parent parcels R605706, R605707, R031697, and R592577.
- Parcel ID R031695 was subdivided into one hundred twenty-five (125) 50' lots, one hundred one (101) 60' lots, eleven (11) 70' lots, and additional parent parcel R605706.

APPENDIX A

City of Leander

Annual Service and Assessment Plan (SAP) Update (2021)

Deerbrooke Public Improvement District



NIA ASSESSMENT ROLL

City of Leander, Texas

Deerbrooke Public Improvement District - Combined MIA & NIA Reimbursement Obligation Takeout

Maturity	2017 Reimbursement Obligation (A)			2017 Reimbursement Obligation Take Out (MIA)			Savings (MIA)	2020 Reimbursement Obligation (B)			2020 Reimbursement Obligation Take Out (NIA)			Savings (NIA)	Total Savings
	Principal	Interest	Debt Service	Principal	Interest ⁽¹⁾	Debt Service	Debt Service	Principal	Interest	Debt Service	Principal	Interest ⁽¹⁾	Debt Service	Debt Service	Debt Service
09/30/2023	\$40,437	\$114,382	\$154,819	\$30,000	\$114,922	\$144,922	\$9,897	\$11,507	\$35,413	\$46,920	\$10,000	\$34,036	\$44,036	\$2,884	\$12,781
09/30/2024	42,668	112,152	154,819	50,000	92,844	142,844	11,975	12,172	34,748	46,920	15,000	27,444	42,444	4,476	16,452
09/30/2025	45,022	109,798	154,819	50,000	90,594	140,594	14,225	12,876	34,044	46,920	15,000	26,769	41,769	5,151	19,376
09/30/2026	47,505	107,314	154,819	55,000	88,344	143,344	11,475	13,620	33,299	46,919	15,000	26,094	41,094	5,826	17,301
09/30/2027	50,126	104,693	154,819	55,000	85,869	140,869	13,950	14,409	32,511	46,920	15,000	25,419	40,419	6,502	20,452
09/30/2028	52,892	101,928	154,819	60,000	83,394	143,394	11,425	15,242	31,678	46,920	15,000	24,744	39,744	7,176	18,602
09/30/2029	55,809	99,010	154,819	60,000	80,694	140,694	14,125	16,124	30,797	46,920	20,000	24,069	44,069	2,852	16,977
09/30/2030	58,888	95,931	154,819	65,000	77,994	142,994	11,825	17,056	29,864	46,920	20,000	23,169	43,169	3,751	15,577
09/30/2031	62,137	92,682	154,819	65,000	75,069	140,069	14,750	18,042	28,878	46,920	20,000	22,269	42,269	4,651	19,401
09/30/2032	65,565	89,254	154,819	70,000	72,144	142,144	12,675	19,086	27,835	46,920	20,000	21,369	41,369	5,551	18,227
09/30/2033	69,182	85,637	154,819	70,000	68,994	138,994	15,825	20,189	26,731	46,920	20,000	20,469	40,469	6,451	22,277
09/30/2034	72,999	81,820	154,819	75,000	65,844	140,844	13,975	21,357	25,563	46,920	20,000	19,569	39,569	7,352	21,327
09/30/2035	77,026	77,793	154,819	80,000	62,469	142,469	12,350	22,592	24,328	46,920	25,000	18,669	43,669	3,251	15,602
09/30/2036	81,276	73,543	154,819	80,000	58,869	138,869	15,950	23,899	23,022	46,920	25,000	17,544	42,544	4,376	20,327
09/30/2037	85,760	69,059	154,819	85,000	55,269	140,269	14,550	25,280	21,640	46,920	25,000	16,419	41,419	5,501	20,052
09/30/2038	90,491	64,328	154,819	90,000	51,444	141,444	13,375	26,742	20,178	46,920	25,000	15,263	40,263	6,658	20,033
09/30/2039	95,483	59,336	154,819	95,000	47,394	142,394	12,425	28,289	18,631	46,920	30,000	14,106	44,106	2,814	15,239
09/30/2040	100,751	54,068	154,819	100,000	43,119	143,119	11,700	29,925	16,995	46,920	30,000	12,719	42,719	4,201	15,901
09/30/2041	106,309	48,510	154,819	105,000	38,619	143,619	11,200	31,655	15,265	46,920	30,000	11,331	41,331	5,588	16,789
09/30/2042	112,174	42,645	154,819	110,000	33,763	143,763	11,057	33,486	13,434	46,920	30,000	9,944	39,944	6,976	18,033
09/30/2043	118,363	36,456	154,819	110,000	28,675	138,675	16,144	35,422	11,498	46,920	35,000	8,556	43,556	3,363	19,508
09/30/2044	124,893	29,927	154,819	120,000	23,588	143,588	11,232	37,471	9,449	46,920	35,000	6,938	41,938	4,982	16,214
09/30/2045	131,783	23,036	154,819	125,000	18,038	143,038	11,782	39,638	7,282	46,920	35,000	5,319	40,319	6,601	18,383
09/30/2046	139,053	15,766	154,819	130,000	12,256	142,256	12,563	41,930	4,990	46,920	40,000	3,700	43,700	3,220	15,783
09/30/2047	146,725	8,095	154,819	135,000	6,244	141,244	13,575	44,355	2,565	46,920	40,000	1,850	41,850	5,070	18,645
	<u>\$2,073,318</u>	<u>\$1,797,162</u>	<u>\$3,870,481</u>	<u>\$2,070,000</u>	<u>\$1,476,447</u>	<u>\$3,546,447</u>	<u>\$324,034</u>	<u>\$612,363</u>	<u>\$560,636</u>	<u>\$1,172,999</u>	<u>\$610,000</u>	<u>\$437,773</u>	<u>\$1,047,773</u>	<u>\$125,226</u>	<u>\$449,260</u>

(1) Estimate. Preliminary; subject to change. Includes Additional Interest Levy (0.50%).

FOR DISCUSSION PURPOSES ONLY. PRELIMINARY SUBJECT TO CHANGE.



EXECUTIVE SUMMARY
03/03/2022

AGENDA SUBJECT:

Discuss and consider action on a Resolution planning for the priorities of the additional one percent (1%) use of General Revenue Sales and Use Tax Revenue, if approved by a majority of qualified voters at the special election held on May 7, 2022.

BACKGROUND:

On Feb. 3, Council called a special election on the question of the adoption of a local sales and use tax in the City of Leander at the rate of two percent (2%), referred to as Proposition B on the May 2022 election ballot. The current sales and use tax rate within the City is one percent (1%), and the Capital Metropolitan Transportation Authority (Capital Metro) also collects a one percent (1%) sales tax within the City.

If the May 2022 election result is a majority "YES" vote on Proposition B and "NO" vote on Proposition A, the general revenue sales and use tax rate would change from 1% to 2% in the City of Leander. However, sales and use tax revenue would not be collected at the 2% rate until after the City's net financial obligation to Capital Metro is collected.

Council has previously discussed how potential new sales and use tax revenues might be prioritized for future use, particularly regarding economic development programs and/or incentives, public transportation services, capital improvements, and other authorized uses of general revenue funds. Pending a certain election outcome, as noted above, the attached resolution describes Council's desire for potential uses of newly acquired sales and use tax revenue. If approved, the resolution document could be used to supplement local voter information to be distributed prior to the start of Early Voting in the May 2022 election.

Previous Council discussions regarding dedicated sales and use taxes:

- Feb. 3, 2022 – City Council Regular Meeting (item 9)
- Jan. 20, 2022 – City Council Regular Meeting (item 19)
- Jan. 6, 2022 – City Council Regular Meeting (item 23)
- Dec. 2, 2021 – City Council Regular Meeting (item 4)

Attachments

1. Resolution

A RESOLUTION OF THE CITY OF LEANDER, TEXAS

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEANDER, TEXAS, PLANNING FOR THE PRIORITIES OF THE ADDITIONAL ONE PERCENT (1%) USE OF GENERAL REVENUE SALES AND USE TAX REVENUE IF APPROVED BY A MAJORITY OF QUALIFIED VOTERS AT THE SPECIAL ELECTION BEING HELD ON MAY 7, 2022.

WHEREAS, the City of Leander (the “City”) has ordered a special election to be held on May 7, 2022, on Proposition B, the question of the adoption of a local sales and use tax in the City of Leander at the rate of two percent (2%); and

WHEREAS, currently there is a one percent (1%) general revenue sales and use tax in effect within the City; and

WHEREAS, the enactment of a two percent (2%) general revenue sales and use tax is conditioned on a majority vote of “YES” on Proposition B, described above, and majority vote of “NO” on Proposition A, which is the question of whether the Capital Metropolitan Transportation Authority (Capital Metro) should be continued in the City of Leander; and

WHEREAS, if a majority vote “NO” on Proposition A and “YES” on Proposition B, then the additional one percent (1%) general revenue sales and use tax will begin to be collected after the net financial obligation (calculated pursuant to Section 451.611, Texas Transportation Code), is collected and paid to Capital Metro; and

WHEREAS, the Leander City Council desires to document its discussions regarding its priorities for future uses of revenue allocated from a general revenue sales and use tax at the rate of two percent (2%);

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

1. The Leander City Council hereby establishes the following priorities for use of an additional one percent (1%) general revenue sales tax in the event a majority of voters vote “NO” to Proposition “A” and “YES” to Proposition B:
 - a. Establishing a special revenue fund solely for economic development uses to include, but not limited to, expanding business enterprises that create or retain primary jobs and supporting quality-of-life projects that directly benefit the Leander community, which would be funded from a portion of the City of Leander’s sales and use tax revenue and appropriated annually for such purposes.
 - b. Meeting the transit needs of the Leander community by providing for public transportation services to include, but not limited to, commuter service to certain regional destinations and in-city service to certain local destinations, which would be funded from a portion of the City of Leander’s sales and use tax revenue and appropriated annually for such purposes.
 - c. Enhancing and expanding critical city infrastructure and services as needed to support strategic

residential and commercial growth to include, but not limited to, public safety operations, water and wastewater resources, parks, and city facilities, which would be funded from a portion of the City of Leander's sales and use tax revenue and appropriated annually for such purposes.

2. This Resolution shall serve as guidance for future discussions and planning for use of an additional one percent (1%) general revenue sale tax in the event it is implemented as described in the recitals of this Resolution.

PRESENTED AND PASSED on this 3rd day of March, 2022, by a vote of _____ ayes and _____ nays at a regular meeting of the City Council of the City of Leander, Texas.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY