



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

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



Mayor – Christine DeLisle
Place 1 – Kathryn Pantalione-Parker
Place 2 – Esme Mattke Longoria
Place 3 – David McDonald

Place 4 – Na'Cole Thompson, *Mayor Pro Tem*
Place 5 – Chris Czernek
Place 6 – Becki Ross
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. Executive Session pursuant to:
 - (1) Section 551.087, Texas Government Code to deliberate proposed economic development incentives for one 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 economic development negotiations related to the following project(s): Project Fulcrum and Project Sky Lane; and
 - (2) Section 551.072, Texas Government Code, to deliberate the acquisition of real property located in Polly Scritchfield Survey, abstract No. 899 and Polly Scritchfield Survey, abstract No. 692, Williamson and Travis Counties, Texas, to grant a special warranty deed and acquire the fee simple property rights for the purpose of the Travisso elevated storage tank project (CIP W.55).

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

- (1) Project Fulcrum and Project Sky Lane; and
- (2) Travisso elevated storage tank project (CIP W.55).

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.
- Day of the Dead Proclamation (Nov 12)
 - Small Business Saturday in Leander Proclamation (Nov 26)
8. Staff Reports
- Introduction of City Engineer Emily Truman
 - Development Hub update
 - City website update

CONSENT AGENDA: ACTION

9. Approval of the minutes for meeting held on October 20, 2022.
10. Acceptance of Edgewood subdivision offsite water and wastewater infrastructure improvements.
11. Approval of an extension for waiver of Article 8.04, Noise, Section 8.04.001(a) (11) to Cadence McShane Construction in the hours of construction work extended through to December 4, 2022 with work beginning at 3:00 a.m. for construction activities for the Blockhouse Creek Farms project site located on 14951 Ronald W. Reagan Boulevard. The contractor will post notifications for nearby tenants a minimum of forty-eight (48) hours in advance of the activities.
12. Approval of a proposal through DIR Contract No. DIR-TSO-4288 with Carahsoft Technology Group for Procore Project Management Pro application, Capital Improvement Project management and related modules in the amount of \$53,531.58 with the annual licensing adjusted per construction costs per year; and authorize the City Manager to execute all appropriate documentation.
13. Approval of the Second Reading of an Ordinance regarding the 50 High Gabriel East Addition Annexation Case 22-A-007 regarding the voluntary annexation of 1.594 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R474021; and generally addressed as 50 High Gabriel East, Leander, Williamson County, Texas.
14. Approval of the Second Reading of an Ordinance regarding Zoning Case 22-Z-027 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to change the zoning to LC-2-A (Local Commercial) on one (1) parcel of land approximately 1.59 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R474021; and more commonly known as 50 High Gabriel East, Leander, Williamson County, Texas.
15. Approval of the Second Reading of an Ordinance regarding Special Use Case 22-SU-002 to allow for the temporary residential use of a travel trailer or recreational vehicle for use by owners while building permanent home on site; on one (1) parcel of land approximately 4.72 acres ± in size, more particularly described by Travis Central Appraisal District Parcel 513800; and more commonly known as 13201 Vista Rock Drive, Leander, Travis County, Texas.

16. Approval of the Second Reading of an Ordinance regarding Zoning Case 22-Z-028 to amend the current zoning of T6 (Urban Core Zone) to adopt the Metro Way Medical Center PUD (Planned Unit Development) with the LC-2-A (Local Commercial) on one (1) parcel of land approximately 4.37 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R573740; and generally located to the northeast South US 183 and Metro Drive, Leander, Williamson County, Texas.
17. Approval of the Second Reading of an Ordinance regarding Zoning Case 22-Z-029 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to HC-4-D (Heavy Commercial) on two parcels of land approximately 9.111 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R031284 and R324449; and more commonly known as 2967 & 3005 Hero Way, Leander, Williamson County, Texas.
18. Approval of the extension of the application expiration for Subdivision Case 21-FP-006 Rosenbusch Phase 3 Final Plat; more particularly described by Williamson Central Appraisal District Parcel R599344; generally located to the east of the intersection of Vista Ridge Drive and Lakeline Boulevard; Leander, Williamson County, Texas.

PUBLIC HEARING: ACTION

19. Conduct a Public Hearing regarding Subdivision Case 22-CP-005 to adopt the Lake's Lair Concept Plan and Subdivision Case 22-PP-009 to adopt the Lake's Lair Preliminary Plat on one parcel of land approximately 1.376 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R031219; generally located at the southwest corner of E. Crystal Falls Parkway and Ronald W. Reagan Boulevard, Leander, Williamson County, Texas.
 - Discuss and consider action regarding Subdivision Case 22-CP-005 and 22-PP-009 as described above.
20. Conduct a Public Hearing regarding the approval of a Resolution approving a Resolution by the Board of Directors of the Brushy Creek Regional Utility Authority, Inc. (BCRUA); authorizing the issuance of "Brushy Creek Regional Utility Authority, Inc., City of Leander, Texas Contract Revenue Bonds (Brushy Creek Regional Water Treatment and Distribution Project), Series 2022"; establishing the procedures for selling and delivering the bonds and resolving other matters incident and relating to the issuance, payment, security, sale and delivery of such bonds.
 - Discuss and consider action on a Resolution approving a Resolution by the Board of Directors of the Brushy Creek Regional Utility Authority, Inc. as described above.

REGULAR AGENDA

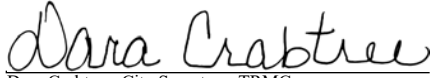
21. Discuss and consider action on an Ordinance amending Code of Ordinances, Article 1.14, Division 2, Public Art Commission, providing for name change, addition of two (2) members to composition, and additional duties; and providing for related matters.
22. Reject Solicitation S22-008 proposals for RFQ relating to Advanced Metering Infrastructure (AMI) System.
23. Council Member Future Agenda Items *[Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.]*

24. Council Member Closing Statements.

25. 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 28 day of October 2022 by 5:00 p.m. pursuant to Chapter 551 of the Texas Government Code.

A handwritten signature in cursive script that reads "Dara Crabtree". The signature is written in dark ink and is positioned above a horizontal line.

Dara Crabtree, City Secretary, TRMC



EXECUTIVE SUMMARY
11/03/2022

AGENDA SUBJECT:

Approval of the minutes for meeting held on October 20, 2022.

BACKGROUND:

Attached are the minutes for the meeting held on October 20, 2022.

PRESENTER:

Dara Crabtree, City Secretary

Attachments

1. Draft Minutes



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

Pat Bryson Municipal Hall
201 North Brushy Street - Leander, Texas
Thursday - October 20, 2022



Mayor – Christine DeLisle
Place 1 – Kathryn Pantalion-Parker
Place 2 – Esme Mattke Longoria
Place 3 – David McDonald

Place 4 – Na'Cole Thompson, *Mayor Pro Tem*
Place 5 – Chris Czernek
Place 6 – Becki Ross
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 at 6:00 p.m.
2. Roll Call reflected all present.
3. Received presentation on San Gabriel Park Athletic Complex (CIP Project P.18) from Parkhill including Council's vision; summary where at in the project; priorities; sports fields; multipurpose fields; trails; playgrounds; restrooms; concessions; parking; picnic areas; disc golf; cricket field; cost analysis for grass versus synthetic turf; need for youth fields versus adult fields; future tournaments; consider food truck space as well as concession stand; CTRMA is designing and constructing pedestrian crossing under the bridge that connects with the park; entrance into the park; constructing in phases; and traffic impact analysis.
4. Convened into Executive Session at 6:20 p.m. pursuant to Section 551.074, Personnel, to discuss appointments to the Planning & Zoning Commission and Board of Adjustment.

Reconvened into open session at 6:49 p.m. and adjourned the briefing workshop at 6:50 p.m.

REGULAR MEETING – CONVENE AT 7:00 PM

5. Open meeting at 7:06 p.m., Invocation provided by Mayor Pro Tem Thompson and Cub Scout Pack 233 presented the Colors and led the Pledges of Allegiance.
6. Roll call reflected all present.

7. 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.]

Christopher Albert, 1420 Positano Pass - commented Hill Contry Hyzers Disc Golf Club; advocate for a disc golf course at San Gabriel Park; and Benbrook Park unable to host tournaments.

Zach Jansen, 11100 Charger Way, Manor - commented was a disc golf manufacturer; and need for disc golf course at San Gabriel Park.

Santosh Mosali, 2036 Equine Road - commented on Bonnet tract; need for safe connections for pedestrians and bikes; speeding in neighborhood; and need for speed bumps and street lights.

Kat Howell, 11327 Hero Way West - commented on coyotes in Leander; urban coyotes; residents shouldn't feed the coyotes; coyotes carry diseases; coyotes like to eat cats and dogs; and ask residents to not leave food out for feral cats.

Dan Haver, 3444 Twinspur Street - commented on speeding through neighborhood; reached out to engineering department and police department with no assistance; seeking enforcement; no sidewalks.

Kapil Ganta, 1912 Equine Road - commented on the constant speeding through his neighborhood; previously no houses; and the increased traffic through neighborhood with development.

8. Recognitions/Proclamations/Visitors.

- Breast Cancer Awareness Proclamation (October)
- Leander Middle School Volleyball Team Recognition

9. Staff Reports

- Public Works Update including water report; combined lake storage; water usage; water connection growth; water conservation; residential fall cleanup; water meetings with various entities; LCRA approval of berm contract from 24,000 to 31,000 feet; and common thread of neighboring cities and entities to facilitate water conservation.

CONSENT AGENDA: ACTION

Motion by Councilmember Becki Ross, Seconded by Councilmember Esme Mattke Longoria to approve the consent agenda items 10 through 23.

Vote: 7 - 0

10. Approval of the minutes for meeting held on October 10, 2022.
11. Approval of the annual appointment of independent legal counsel Patty Akers for the Ethics Commission.
12. Approval of an Ordinance repealing the City of Leander Personnel Policy adopted by Ordinance No. 20-040-00; providing for the adoption of the new Personnel Policy; providing for a savings clause; and providing for an effective date.
13. Approval of an Ordinance amending Ordinance No. 21-077-00 adopting the annual budget of the City of Leander for Fiscal Year 2022.

14. Approval of a Resolution authorizing the purchase of City of Leander Police Department vehicles for fiscal year 2023 from the BuyBoard Local Government Cooperative and the Tarrant County Cooperative Purchasing Program; and authorize the City Manager to execute any and all necessary documents.
15. Approval of purchase of two (2) replacement fire vehicles from Siddons Martin Emergency Group, LLC in the amount of \$1,338,597.30 utilizing the HGAC Cooperative Purchase Contract FS12-19; and authorize the City Manager to execute any and all necessary documents.
16. Award of Solicitation S22-029 to JKB Construction Company, LLC for construction services for Eagles Way, Mica Lane, Topaz Lane wastewater services and street repaving (CIP Project WW.16) in the amount of \$1,500,830.40; and authorize the City Manager to execute any and all necessary documents.
17. Award of construction contract to Austin Engineering Co., Inc. for wastewater lift station improvements: Phase 3, (CIP Project WW.44) in the amount of \$568,615.00; and authorize the City Manager to execute any and all necessary documents.
18. Approval of Task Order No. KH-05 with Kimley-Horn and Associates, Inc. for professional services for city-wide traffic signal timing study in the amount of \$103,000.00; and authorize the City Manager to execute any and all necessary documents.
19. Reject all bids for Solicitation S22-033 for the construction of the Northline Town Square.
20. Approval of Ordinance Case 22-OR-003 to amend Appendix A of the Leander Code of Ordinances to update the technology fees associated with the Development Hub, and to provide for related matters; Williamson & Travis Counties, Texas.
21. Approval of the extension of the application expiration for Subdivision Case 21-FP-019 Rosenbusch Ranch Phase 4 Final Plat; more particularly described by Williamson Central Appraisal District Parcel R599344; generally located to the east of the intersection of Vista Ridge Drive and Lakeline Boulevard; Leander, Williamson County, Texas.
22. Approval of the extension of the application expiration for Subdivision Case 21-PICP-017 Rosenbusch Ranch Phase 4 construction plan; more particularly described by Williamson Central Appraisal District Parcel R599344; generally located to the east of the intersection of Vista Ridge Drive and Lakeline Boulevard; Leander, Williamson County, Texas.
23. Approval of the Second Reading of an Ordinance regarding Zoning Case 22-Z-022 to amend the current zoning of SFR-3-B (Single-Family Rural) to adopt the Moon Valley PUD (Planned Unit Development) with a base zoning district of LC-5-D (Local Commercial) and to approve the Development Agreement 22-DA-023 on two (2) parcels of land approximately 8.78 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R319362 and R031223; and more commonly known as 15841 Ronald W. Reagan Boulevard, Leander, Williamson County, Texas.

24. Mayor Christine opened a Public Hearing at 7:40 p.m. regarding Special Use Case 22-SU-002 to allow for the temporary residential use of a travel trailer or recreational vehicle for use by owners while building permanent home on site; on one (1) parcel of land approximately 4.72 acres $\pm$ in size, more particularly described by Travis Central Appraisal District Parcel 513800; and more commonly known as 13201 Vista Rock Drive, Leander, Travis County, Texas. No one spoke in favor or opposition of the request. The Public Hearing closed at 7:40 p.m.

- Discuss and consider action regarding Special Use Permit Case 22-SU-002 as described above.

Motion by Councilmember Kathryn Pantalion-Parker, Seconded by Councilmember Esme Mattke Longoria to approve Special Use Case 22-SU-002 to allow for the temporary residential use of a travel trailer or recreational vehicle for use by owners while building permanent home on site; on one (1) parcel of land approximately 4.72 acres $\pm$ in size, more particularly described by Travis Central Appraisal District Parcel 513800; and more commonly known as 13201 Vista Rock Drive, Leander, Travis County, Texas.

Vote: 7 - 0

25. Mayor Christine opened a Public Hearing at 7:42 p.m. regarding Zoning Case 22-Z-027 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to adopt the 50 High Gabriel East Addition Minor PUD (Planned Unit Development) with a base zoning of LC-2-A (Local Commercial) on one (1) parcel of land approximately 1.59 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R474021; and more commonly known as 50 High Gabriel East, 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 Zoning Case 22-Z-027 as described above.

Motion by Councilmember Kathryn Pantalion-Parker, Seconded by Councilmember Chris Czernek to approve Zoning Case 22-Z-027 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to adopt the 50 High Gabriel East Addition the zoning of LC-2-A (Local Commercial) on one (1) parcel of land approximately 1.59 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R474021; and more commonly known as 50 High Gabriel East, Leander, Williamson County, Texas.

Vote: 7 - 0

26. Mayor Christine opened a Public Hearing at 7:45 p.m. regarding Zoning Case 22-Z-028 to amend the current zoning of T6 (Urban Core Zone) to adopt the Metro Way Medical Center PUD (Planned Unit Development) with the LC-2-A (Local Commercial) on one (1) parcel of land approximately 4.37 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R573740; and generally located to the northeast S. US 183 and Metro Drive, Leander, Williamson County, Texas. No one spoke in favor or opposition of the request. The Public Hearing closed at 7:45 p.m.

- Discuss and consider action regarding Zoning Case 22-Z-028 as described above.

Motion by Councilmember Kathryn Pantalion-Parker, Seconded by Councilmember Chris Czernek to approve Zoning Case 22-Z-028 to amend the current zoning of T6 (Urban Core Zone) to adopt the Metro Way Medical Center PUD (Planned Unit Development) with the LC-2-A (Local Commercial) on one (1) parcel of land approximately 4.37 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R573740; and generally located to the northeast S. US 183 and Metro Drive, Leander, Williamson County, Texas, following discussion.

Vote: 7 - 0

27. Mayor Christine opened a Public Hearing at 7:47 p.m. regarding Zoning Case 22-Z-029 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to HC-4-D (Heavy Commercial) on two (2) parcels of land approximately 9.111 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R031284 and R324449; and more commonly known as 2967 and 3005 Hero Way, Leander, Williamson County, Texas. No one spoke in favor of the request. Kate McDonald, 2416 La Mirada spoke in opposition of the request. The Public Hearing closed at 7:47 p.m.

- Discuss and consider action regarding Zoning Case 22-Z-029 as described above.

Motion by Councilmember Chris Czernek, Seconded by Councilmember Becki Ross to approve Zoning Case 22-Z-029 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to HC-4-D (Heavy Commercial) on two (2) parcels of land approximately 9.111 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R031284 and R324449; and more commonly known as 2967 and 3005 Hero Way, Leander, Williamson County, Texas.

Vote: 7 - 0

REGULAR AGENDA

28. Received a presentation regarding the evaluation and proposed recommendations for development process improvements by BerryDunn including about BerryDunn; project overview; project work plan and schedule; fact finding meetings; external stakeholder meetings; current environment assessment report; recommendations for improvement report; challenges identified; and recommendations for improvement, discussion followed.
29. Discuss and consider action directing staff on an amendment to the Composite Zoning Ordinance regarding carports on residential properties; Leander, Williamson and Travis Counties, Texas.

Motion by Councilmember David McDonald, Seconded by Councilmember Kathryn Pantalione-Parker to direct staff to research and provide an update on a possible amendment to the Composite Zoning Ordinance regarding carports on residential properties for future consideration, following a discussion.

Vote: 7 - 0

30. Discuss and consider action on an Ordinance amending Article 4.05 of the Leander Code of Ordinances and Ordinance No. 17-035-00 to amend regulations for Special Events; providing definitions; requiring applications, permits and fees; providing regulations and prohibitions; providing a penalty clause; and providing for related matters.

Motion by Councilmember Becki Ross, Seconded by Councilmember Kathryn Pantalione-Parker to approve an Ordinance with Option B amending Article 4.05 of the Leander Code of Ordinances and Ordinance No. 17-035-00 to amend regulations for Special Events; providing definitions; requiring applications, permits and fees; providing regulations and prohibitions; providing a penalty clause; and providing for related matters, following a discussion.

Vote: 7 - 0

31. *[Council took a brief recess at 8:41 p.m.; Council reconvened at 8:47 p.m.]*

Discuss and consider action on a Resolution of support to limit consideration of zoning requests that seek to add residential zoning or increase the density of residential land uses in lieu of nonresidential uses; prioritize a desired residential land distribution mix of zero (0%) percent within the Multi-Use, Neighborhood Center, Activity Center, Employment Center, Urban Mixed Use, and Leander Central land use categories identified on the Future Land Use Map; prioritize low-density use components (Single-Family Rural, Single-Family Estate, and Single-Family Suburban) within the Neighborhood Residential land use categories identified on the Future Land Use Map; and continue to encourage conservation actions that will reduce short- and long-term water system demands.

Motion by Mayor Christine DeLisle, Seconded by Councilmember Becki Ross to approve a Resolution of support to limit consideration of zoning requests that seek to add residential zoning or increase the density of residential land uses in lieu of nonresidential uses; prioritize a desired residential land distribution mix of zero (0%) percent within the Multi-Use, Neighborhood Center, Activity Center, Employment Center, Urban Mixed Use, and Leander Central land use categories identified on the Future Land Use Map; prioritize low-density use components (Single-Family Rural, Single-Family Estate, and Single-Family Suburban) within the Neighborhood Residential land use categories identified on the Future Land Use Map; and continue to encourage conservation actions that will reduce short- and long-term water system demands and bring back a comprehensive plan amendment, following a discussion.

Vote: 7 - 0

32. Discuss and consider action on authorizing the Brushy Creek Regional Utility Authority (BCRUA) President to execute a Professional Engineering Services Agreement with Walker Partners for the final design of a six-million-gallon clearwell in the amount of \$291,749.00.

Motion by Mayor Pro Tem Na'Cole Thompson, Seconded by Councilmember Kathryn Pantalione-Parker to authorize the Brushy Creek Regional Utility Authority (BCRUA) President to execute a Professional Engineering Services Agreement with Walker Partners for the final design of a six-million-gallon clearwell in the amount of \$291,749.00.

Vote: 7 - 0

33. Discuss and consider action directing staff to amend an Ordinance providing for the name, composition, and the powers and duties of the Public Art Commission.

Motion by Mayor Pro Tem Na'Cole Thompson, Seconded by Mayor Christine DeLisle to direct staff to prepare an ordinance amending the Public Art Commission to change the name to Public Art and Culture Commission; increase the membership by 2 members for a total membership of 9 members; and to act in an advisory capacity to the parks and recreation department in all matters relating to culture pertaining to parks and recreation services and activities in the city.

Vote: 4 - 3

NAY: Councilmember Kathryn Pantalione-Parker
Councilmember David McDonald
Councilmember Chris Czernek

34. Convene into Executive Session pursuant to Section 551.074, Personnel, to discuss appointments to the Planning & Zoning Commission and Board of Adjustment, if needed.

35. Discuss and consider action on appointments to the following boards, commissions and committees: Active Adult Advisory Committee, Board of Adjustment, Economic Development Committee, Ethics Commission, Historical Preservation Commission, Public Art Commission, Parks & Recreation Advisory Board, Planning & Zoning Commission, Tax Increment Reinvestment Zone No.1(TIRZ) Board, and the Development Authority Board.

Motion by Mayor Christine DeLisle, Seconded by Mayor Pro Tem Na'Cole Thompson to appoint Carol Hubbard, Kathy Bonardi, Terry Ann Bodwin and Tricia Sanders to the Active Adult Advisory Board. *[Councilmember Pantalion-Parker recused herself.]*

Vote: 6 - 0

Motion by Mayor Christine DeLisle, Seconded by Mayor Pro Tem Na'Cole Thompson to appoint the following individuals to the boards and commissions:

Board of Adjustment

Binod Maharjan
Gil Debner
Scott Calame, Alt. #1

Economic Development Committee

Kim Lockhart

Ethics Commission

Robin Reifler
Stephanie Rand
Trey Schisser, III

Historical Preservation Commission

Stephen Cook

Public Art Commission

Keysha Bradford
Lisa Haynes
Sammy Panzarino
Stephanie Rand
Steve Kuwitzky

Parks & Recreation Advisory Commission

Stephen Cook

Planning & Zoning Commission

Donnie Mahan
James Oliver
Ron May

Vote: 7 - 0

36. Discuss and consider action on ratifying the Mayor's appointments of high school senior(s) as ex-officio(s) to the Ad Hoc Committee to promote beautification, conservation, volunteerism and community engagement in the City of Leander. This item was pulled from the agenda.
37. Discuss and consider action on the appointment/reappointment of a council liaison to the Parks and Recreation Advisory Board; Public Art Commission; Historic Preservation Commission; Active Adult Advisory Committee; and Economic Development Committee.

Motion by Mayor Christine DeLisle, Seconded by Councilmember Becki Ross to appoint a subcommittee consisting of Councilmember Pantalion-Parker, Councilmember Mattke Longoria, and Mayor Pro Tem Thompson to work with staff on developing council liaison guidelines to bring back for council consideration at a future meeting.

Vote: 7 - 0

38. Discuss the recording of board and commission meetings. Following the discussion, it was agreed upon that staff liaisons could record board and commission meetings on a recording device other than a cell phone, if needed, to assist in the preparation of the minutes.
39. Council Member Future Agenda Items *[Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.]*
- City website update
 - Board of Adjustment fees
 - CapMetro pick-up radius update

40. Council Member Closing Statements.

Kathryn Pantalion-Parker - thanked all the board and commission members for their service; and congratulated new appointees.

Esme Mattke Longoria - commented on upcoming Halloween events.

Becki Ross - wished everyone a happy Halloween; and stated she would be absent from the November 3 meeting.

Christine DeLisle - stated Chick-fil-a provided dinner tonight; shop local; and October was domestic violence awareness month in addition to breast cancer awareness month.

41. Convened into Executive Session at 11:26 p.m. pursuant to:
- (1) Section 551.072, Texas Government Code to deliberate the acquisition of real property and approve a Letter of Intent for acquisition of real property for public facilities; and
 - (2) Section 551.087, Texas Government Code to deliberate proposed economic development incentives for one 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 economic development negotiations related to the following project(s): Project Fulcrum and Project Sky Lane.

Reconvene into open session at 12:16 a.m. to take action as deemed appropriate in the City Council's discretion regarding:

(1) acquisition of real property and approve a Letter of Intent for acquisition of real property for public facilities; and

(2) Project Sky Lane.

(Item 1) No action.

Motion by Mayor Pro Tem Na'Cole Thompson, Seconded by Councilmember Becki Ross (Item 2) to authorize the city manager and city attorney to negotiate an economic development agreement related to Project Sky Lane as discussed in executive session.

Vote: 7 - 0

42. Adjourned at 12:16 a.m.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY



EXECUTIVE SUMMARY
11/03/2022

AGENDA SUBJECT:

Acceptance of Edgewood subdivision offsite water and wastewater infrastructure improvements.

BACKGROUND:

The public infrastructure improvements required for the Edgewood Subdivision have been installed, inspected, and are satisfactorily completed. All documentation required for acceptance of this 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, 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 November 3, 2022 which will provide warranty and maintenance coverage for the public infrastructure improvements through November 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 Edgewood Offsite Water and Wastewater Infrastructure Improvements.

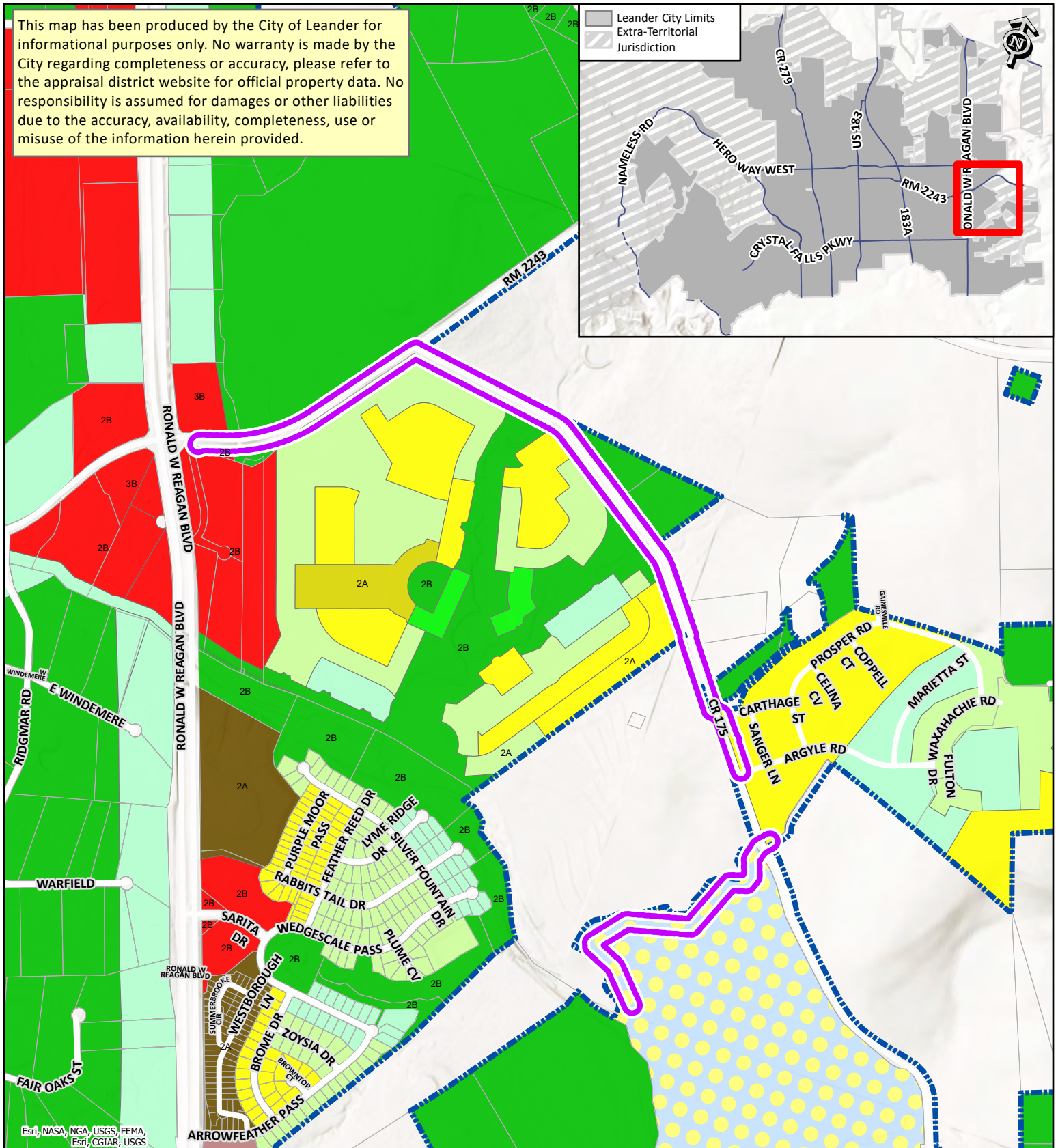
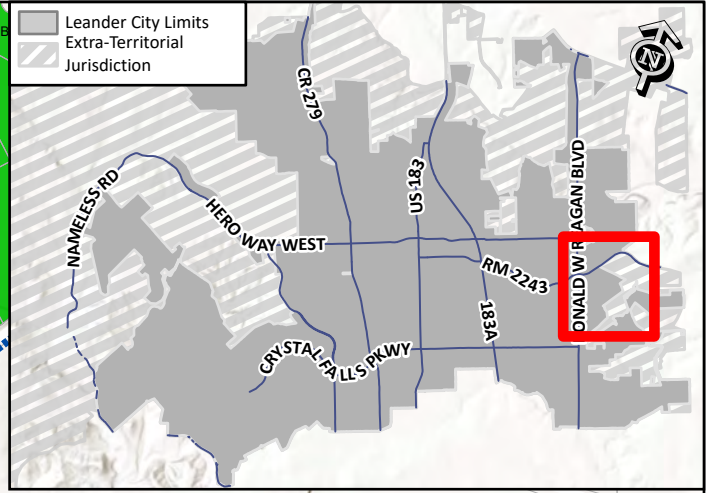
PRESENTER:

Daniel Grimsbo, Executive Director of Infrastructure

Attachments

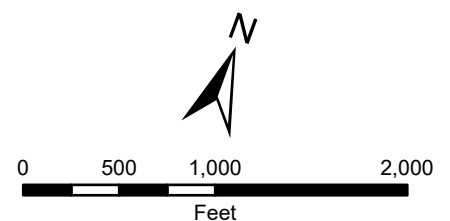
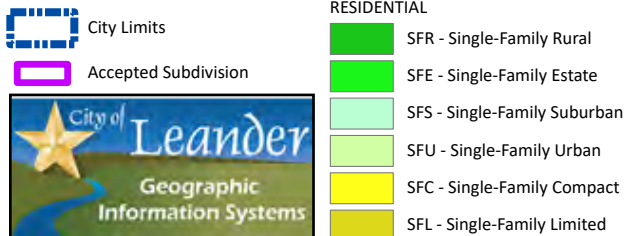
1. Acceptance Documents for Edgewood Offsite Water & Wastewater

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 appraisal district website for official property data. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, completeness, use or misuse of the information herein provided.



SUBDIVISION ACCEPTANCE

Edgewood Offsite Water and Wastewater - 21-PICP-025





September 9, 2022

Attention: Royce Rippy
MI Homes of Austin, LLC.
6801 N. Capital of Texas Highway
Austin, TX 75219

RE:*Engineer's Concurrence Letter for Edgewood Offsite Water and Wastewater Improvements
City Project No. 21-PICP-025*

Dear Mr. Rippy,

On this day, I, the undersigned professional engineer, or my representative, made a visual observation of the above referenced project. No discrepancies in the approved construction plans or deficiencies in construction were visible or brought to my attention. I, therefore, certify that all improvements are constructed in substantial compliance with the approved construction plans.

Please contact me at 512-782-0602 if additional information is required.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

A handwritten signature in blue ink that reads "Alejandro E. Granados Rico".

Alex Granados, P.E.
Project Manager
TBPE F-928



A handwritten signature in black ink that reads "Alejandro E. Granados Rico".

09/09/2022

MAINTENANCE BOND
Subdivision Improvements

THE STATE OF TEXAS §

COUNTY OF WILLIAMSON §

KNOW ALL BY THESE PRESENTS, that Cash Construction Company
as Principal, whose address is 217 Kingston Lacy Blvd. Pflugerville, Texas 78660 and
Travelers Casualty and Surety Company a Corporation organized under the
laws of the State of Connecticut, 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 Two Hundred Sixteen Thousand Sixty-Two & 30/100
Dollars (\$ 216,062.30) 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.

WHEREAS, the said Principal has constructed March 23rd 2022
Edgewood Offsite Water and Wastewater Improvements - #21-PICP-025 (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 30th day of August, 2022.

Cash Construction Company, Inc.
Principal

By: 
H. H. Dickehut, III

Title: Vice President

Address: 217 Kingston Lacy Blvd

Pflugerville, Texas, 78660

Travelers Casualty and Surety Company
Surety

By: 

Title: D-Ann Kleidosty, Attorney in Fact

Address: One Tower Square

Hartford, CT 06183

The name and address of the Resident Agent of Surety is:

Marsh USA Inc. - Tannis Mattson

2929 Allen Parkway, Suite 2500, Houston, TX 77019

(Seal)



Travelers Casualty and Surety Company of America
Travelers Casualty and Surety Company
St. Paul Fire and Marine Insurance Company

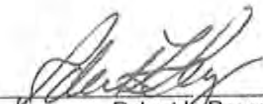
POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company are corporations duly organized under the laws of the State of Connecticut (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint D-Ann Kleidosty of Atlanta, Georgia, their true and lawful Attorney(s)-in-Fact to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed, and their corporate seals to be hereto affixed, this 21st day of April, 2021.



State of Connecticut

By: 
 Robert L. Raney, Senior Vice President

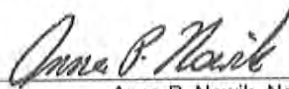
City of Hartford ss.

On this the 21st day of April, 2021, before me personally appeared **Robert L. Raney**, who acknowledged himself to be the Senior Vice President of each of the Companies, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of said Companies by himself as a duly authorized officer.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires the 30th day of June, 2026




 Anna P. Nowik, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of each of the Companies, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, **Kevin E. Hughes**, the undersigned, Assistant Secretary of each of the Companies, do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which remains in full force and effect.

Dated this 30th day of August, 2022




 Kevin E. Hughes, Assistant Secretary

To verify the authenticity of this Power of Attorney, please call us at 1-800-421-3880.
Please refer to the above-named Attorney(s)-in-Fact and the details of the bond to which this Power of Attorney is attached.

August 15, 2022
 Sarvesh Dhakal
 City of Leander
 201 N. Brushy Street
 Leander, Texas 78641

Attn,

The following is the information as applicable to the Final Cost and Quantities, and inspection fee settle up of the Edgewood Offsite Water and Wastewater Improvements Project #21-PICP-025 of this "project"

Name on Approved Construction Documents: Edgewood Offsite Water and Wastewater Improvements, Public Improvement Construction Plans, Project #21-PICP-025, City of Leander, Williamson County, Texas

Name on Bank Bond for Fiscal Posting: _____

Final Cost and Quantities:

Costs Categories	Totals
Streets	\$83,754.83
Stormwater/Drainage	\$203,551.20
Water	\$1,489,767.00
Wastewater	\$383,550
Streetlights	\$0.00
Landscape Improvements	\$0.00

Total = **\$2,160,623.03**

Total Improvements =	\$2,160,623.03
Maintenance Bond (10%) =	\$216,062.30

*Note that this total differs from the final pay application from the contractor as it excludes bonds and items that were not part of Edgewood Offsite. The total for the developer bond items is \$19,000.00. These items have been highlighted in red and crossed out in the final pay application attached for reference. The inspection fee receipt is also included for reference.

Inspection fee settle up:

Total Improvements =	\$2,160,623.03
Currently Paid Inspection Fees =	\$45,081.91
Inspection Fees (3.5%) =	\$75,621.81
Insp. Fee to be paid by developer =	\$30,539.90

If you have any questions or require any additional information, please do not hesitate to contact me at 512-782-0602.

Sincerely,

Alejandro E. Granados Rico

Alex Granados, P.E.
Project Manager
TBPE F-928



Attachments: Final Pay Application for Edgewood Offsite Final Cost and Quantities breakdown

FINAL COSTS AND QUANTITIES EDGEWOOD OFFSITE WATER AND WASTEWATER IMPROVEMENTS KIMLEY-HORN AND ASSOCIATES, INC. JOB NO. 067783129 CITY OF LEANDER JOB # 21-PICP-025	
COST CATEGORIES	TOTALS
STREETS	\$83,754.83
STORMWATER/DRAINAGE	\$203,551.20
WATER	\$1,489,767.00
WASTEWATER	\$383,550.00
STREETLIGHTS	\$0.00
LANDSCAPE IMPROVEMENTS	\$0.00
TOTAL AMOUNT \$2,160,623.03	



08/16/2022

TBPE FIRM
F-928

Alejandro E. Granados Rico

FINAL COSTS AND QUANTITIES

STREETS					
A1	TRAFFIC CONTROL COMPLETE IN PLACE AS DETAILED AND SPECIFIED	LS	1.00	\$ 8,000.00	\$ 8,000.00
A2	TRAFFIC CONTROL	EA	1.00	\$ 77,754.83	\$ 77,754.83
A3	ENGINEERING CREDIT	EA	1.00	\$ (2,000.00)	\$ (2,000.00)
SUBTOTAL STREETS					\$ 83,754.83

STORMWATER/DRAINAGE					
B1	MOBILIZATION, LUMP SUM	LS	1.00	\$ 38,000.00	\$ 38,000.00
B2	CLEARING AND GRUBBING ROW, SPOILS AND UTILITY EASEMENTS COMPLETE IN PLACE AS DETAILED AND SPECIFIED	LS	1.00	\$ 33,000.00	\$ 33,000.00
B3	STABILIZED CONSTRUCTION ENTRANCE AS DETAILED AND SPECIFIED	EA	1.00	\$ 3,200.00	\$ 3,200.00
B4	SILT FENCE COMPLETE IN PLACE AS DETAILED AND SPECIFIED	LF	10,080.00	\$ 4.00	\$ 40,320.00
B5	TREE PROTECTION IN PLACE AS DETAILED AND SPECIFIED	LF	1,386.00	\$ 6.00	\$ 8,316.00
B6	ROCK BERMS	LF	80.00	\$ 25.00	\$ 2,000.00
B7	REVEGETATION COMPLETE IN PLACE AS DETAILED AND SPECIFIED	SY	26,497.00	\$ 2.00	\$ 52,994.00
B8	CONCRETE WASHOUT AREA	EA	1.00	\$ 750.00	\$ 750.00
B9	CONSTRUCTION STAKING	LS	1.00	\$ 10,000.00	\$ 10,000.00
B10	CONCRETE RIP RAP	SY	60.00	\$ 249.52	\$ 14,971.20
SUBTOTAL STORMWATER/DRAINAGE					\$ 203,551.20

WATER					
C1	8" C900 PVC WATER MAIN COMPLETE IN PLACE AS DETAILED AND SPECIFIED	LF	5.00	\$ 90.00	\$ 450.00
C2	12" C900 PVC WATER MAIN COMPLETE IN PLACE AS DETAILED AND SPECIFIED	LF	5.00	\$ 125.00	\$ 625.00
C3	16" C900 PVC WATER MAIN COMPLETE IN PLACE AS DETAILED AND SPECIFIED	LF	6,138.00	\$ 167.00	\$ 1,025,046.00
C4	30" BORE AND STEEL ENCASEMENT COMPLETE IN PLACE AS DETAILED AND SPECIFIED	LF	149.00	\$ 800.00	\$ 119,200.00
C5	30" OPEN CUT STEEL ENCASEMENT COMPLETE IN PLACE AS DETAILED AND SPECIFIED	LF	59.00	\$ 450.00	\$ 26,550.00
C6	CONNECT TO EXISTING WATER LINE COMPLETE IN PLACE AS DETAILED AND SPECIFIED	EA	1.00	\$ 4,000.00	\$ 4,000.00
C7	TAPPING SLEEVE AND VALVE COMPLETE IN PLACE AS DETAILED AND SPECIFIED	EA	1.00	\$ 20,000.00	\$ 20,000.00
C8	8" GATE VALVE COMPLETE IN PLACE AS DETAILED AND SPECIFIED	EA	1.00	\$ 2,300.00	\$ 2,300.00
C9	12" GATE VALVE COMPLETE IN PLACE AS DETAILED AND SPECIFIED	EA	1.00	\$ 3,600.00	\$ 3,600.00
C10	16" GATE VALVE COMPLETE IN PLACE AS DETAILED AND SPECIFIED	EA	13.00	\$ 8,000.00	\$ 104,000.00
C11	8" PLUG COMPLETE IN PLACE AS DETAILED AND SPECIFIED	EA	1.00	\$ 1,000.00	\$ 1,000.00
C12	12" PLUG COMPLETE IN PLACE AS DETAILED AND SPECIFIED	EA	1.00	\$ 1,200.00	\$ 1,200.00
C13	16" PLUG COMPLETE IN PLACE AS DETAILED AND SPECIFIED	EA	2.00	\$ 1,800.00	\$ 3,600.00
C14	FIRE HYDRANT ASSEMBLY (6" VALVE, 6" DUCTILE IRON LEED, AND TEE) COMPLETE IN PLACE AS DETAILED AND SPECIFIED	EA	20.00	\$ 7,400.00	\$ 148,000.00
C15	AIR RELEASE VALVE COMPLETE IN PLACE AS DETAILED AND SPECIFIED	EA	5.00	\$ 3,200.00	\$ 16,000.00
C16	SINGLE WATER SERVICE COMPLETE IN PLACE AS DETAILED AND SPECIFIED	EA	1.00	\$ 1,900.00	\$ 1,900.00
C17	SAFETY TRENCH COMPLETE IN PLACE AS DETAILED AND SPECIFIED	LF	6,148.00	\$ 1.00	\$ 6,148.00
C18	TESTING (HYDROSTATIC) & CHLORINATION	LF	6,148.00	\$ 1.00	\$ 6,148.00
SUBTOTAL WATER					\$ 1,489,767.00

WASTEWATER					
D1	12" SDR 26 ASTM D3034 PVC GRAVITY WASTEWATER ALL DEPTHS COMPLETE IN PLACE AS DETAILED AND SPECIFIED	LF	2,390.00	\$ 102.00	\$ 243,780.00
D2	24" BORE AND STEEL ENCASEMENT COMPLETE IN PLACE AS DETAILED AND SPECIFIED	EA	56.00	\$ 600.00	\$ 33,600.00
D3	4' DIAMETER PRECAST CONCRETE WASTEWATER MANHOLE, ALL DEPTHS INCLUDING COATING, AND RING AND LID COMPLETE IN PLACE AS DETAILED AND SPECIFIED	EA	13.00	\$ 7,000.00	\$ 91,000.00
D4	6' DIAMETER DOGHOUSE MANHOLE, INCLUDING COATING, AND RING AND LID COMPLETE IN PLACE AS DETAILED AND SPECIFIED	EA	1.00	\$ 8,000.00	\$ 8,000.00
D5	TRENCH SAFETY ALL DEPTHS, COMPLETE IN PLACE AS DETAILED AND SPECIFIED	LF	2,390.00	\$ 2.00	\$ 4,780.00
D6	TESTING	LF	2,390.00	\$ 1.00	\$ 2,390.00
SUBTOTAL WASTEWATER					\$ 383,550.00

STREETLIGHTS					
E1	STREET LIGHTS INCLUDING CONDUIT, METER AND ALL APPURTENANCES, PER EACH, COMPLETE IN PLACE AS DETAILED AND SPECIFIED	LS	1.00	\$ -	\$ -
SUBTOTAL STREETLIGHTS					\$ -

TO: MI Homes Of Austin, LLC
7600 N. Capital Of Texas Highway, BLDG. G Suite 250

FROM: CASH CONSTRUCTION COMPANY, INC.
217 KINGSTON LACY BLVD.
PFLUGERVILLE, TEXAS 78660

FINAL COST AND QUANTITIES

JOB NAME: **Edgewood Offsite Water & WW**
JOB# 985

DATE 08/12/2022
ORIG. AMOUNT **\$2,088,897.00**
REV. AMOUNT **\$2,179,623.03**
RETAINAGE 10%

ITEM NO.	DESCRIPTION	UNIT	CONTRACT QUANTITY	CONTRACT AMOUNT	UNIT PRICE
GRADING					
1	MOBILIZATION, LUMP SUM	LS	1.00	\$38,000.00	\$38,000.00
2	CLEARING AND GRUBBING ROW, SPOILS AND UTILITY EASEMENTS COMPLETE IN PLACE AS DETAILED AND SPECIFIED	LS	1.00	\$33,000.00	\$33,000.00
3	STABILIZED CONSTRUCTION ENTRANCE AS DETAILED AND SPECIFIED	EA	1.00	\$3,200.00	\$3,200.00
4	SILT FENCE COMPLETE IN PLACE AS DETAILED AND SPECIFIED	LF	10,080.00	\$40,320.00	\$4.00
5	TREE PROTECTION COMPLETE IN PLACE AS DETAILED AND SPECIFIED	LF	1,386.00	\$8,316.00	\$6.00
6	ROCK BERMS	LF	80.00	\$2,000.00	\$25.00
7	REVEGETATION COMPLETE IN PLACE AS DETAILED AND SPECIFIED	SY	26,497.00	\$52,994.00	\$2.00
8	CONCRETE WASHOUT AREA	EA	1.00	\$750.00	\$750.00
9	CONSTRUCTION STAKING	LS	1.00	\$10,000.00	\$10,000.00
SUBTOTAL GRADING				\$188,580.00	
WATER					
1	8" C900 PVC WATER MAIN COMPLETE IN PLACE AS DETAILED AND SPECIFIED	LF	5.00	\$450.00	\$90.00
2	12" C900 PVC WATER MAIN COMPLETE IN PLACE AS DETAILED AND SPECIFIED	LF	5.00	\$625.00	\$125.00
3	16" C900 PVC WATER MAIN COMPLETE IN PLACE AS DETAILED AND SPECIFIED	LF	6,138.00	\$1,025,046.00	\$167.00
4	30" BORE AND STEEL ENCASEMENT COMPLETE IN PLACE AS DETAILED AND SPECIFIED	LF	149.00	\$119,200.00	\$800.00
5	30" OPEN CUT STEEL ENCASEMENT COMPLETE IN PLACE AS DETAILED AND SPECIFIED	LF	59.00	\$26,550.00	\$450.00
6	CONNECT TO EXISTING WATER LINE COMPLETE IN PLACE AS DETAILED AND SPECIFIED	EA	1.00	\$4,000.00	\$4,000.00
7	TAPPING SLEEVE AND VALVE COMPLETE IN PLACE AS DETAILED AND SPECIFIED	EA	1.00	\$20,000.00	\$20,000.00
8	8" GATE VALVE COMPLETE IN PLACE AS DETAILED AND SPECIFIED	EA	1.00	\$2,300.00	\$2,300.00
9	12" GATE VALVE COMPLETE IN PLACE AS DETAILED AND SPECIFIED	EA	1.00	\$3,600.00	\$3,600.00
10	16" GATE VALVE COMPLETE IN PLACE AS DETAILED AND SPECIFIED	EA	13.00	\$104,000.00	\$8,000.00
11	8" PLUG COMPLETE IN PLACE AS DETAILED AND SPECIFIED	EA	1.00	\$1,000.00	\$1,000.00
12	12" PLUG COMPLETE IN PLACE AS DETAILED AND SPECIFIED	EA	1.00	\$1,200.00	\$1,200.00
13	16" PLUG COMPLETE IN PLACE AS DETAILED AND SPECIFIED	EA	2.00	\$3,600.00	\$1,800.00
14	FIRE HYDRANT ASSEMBLY (6" VALVE, 6" DUCTILE IRON LEED, AND TEE) COMPLETE IN PLACE AS DETAILED AND SPECIFIED	EA	20.00	\$148,000.00	\$7,400.00
15	AIR RELEASE VALVE COMPLETE IN PLACE AS DETAILED AND SPECIFIED	EA	5.00	\$16,000.00	\$3,200.00
16	SINGLE WATER SERVICE COMPLETE IN PLACE AS DETAILED AND SPECIFIED	EA	1.00	\$1,900.00	\$1,900.00
17	SAFETY TRENCH COMPLETE IN PLACE AS DETAILED AND SPECIFIED	LF	6,148.00	\$6,148.00	\$1.00
18	TESTING (HYDROSTATIC) & CHLORINATION	LF	6,148.00	\$6,148.00	\$1.00
SUBTOTAL WATER				\$1,489,767.00	
WASTEWATER					
1	12" SDR 26 ASTM D3034 PVC GRAVITY WASTEWATER ALL DEPTHS COMPLETE IN PLACE AS DETAILED AND SPECIFIED	LF	2,390.00	\$243,780.00	\$102.00
2	24" BORE AND STEEL ENCASEMENT COMPLETE IN PLACE AS DETAILED AND SPECIFIED	LF	56.00	\$33,600.00	\$600.00
3	4' DIAMETER PRECAST CONCRETE WASTEWATER MANHOLE, (ALL DEPTHS) INCLUDING COATING, AND RING AND LID COMPLETE IN PLACE AS DETAILED AND SPECIFIED	EA	13.00	\$91,000.00	\$7,000.00
4	6' DIAMETER DOGHOUSE MANHOLE, INCLUDING COATING, AND RING AND LID COMPLETE IN PLACE AS DETAILED AND SPECIFIED	EA	1.00	\$8,000.00	\$8,000.00
5	TRENCH SAFETY ALL DEPTHS, COMPLETE IN PLACE AS DETAILED AND SPECIFIED	LF	2,390.00	\$4,780.00	\$2.00
6	TESTING	LF	2,390.00	\$2,390.00	\$1.00
Subtotal WASTEWATER				\$383,550.00	
TRAFFIC CONTROL					
1	TRAFFIC CONTROL COMPLETE IN PLACE AS DETAILED AND SPECIFIED	LS	1.00	\$8,000.00	\$8,000.00
SUBTOTAL OF TRAFFIC CONTROL				\$8,000.00	
OFFSITE -PAYMENT PERFORMANCE AND MAINTANCE BONDS					
1	PAYMENT PERFORMANCE AND MAINTANCE BOND COST	LS	1.00	\$19,000.00	\$19,000.00
SUBTOTAL OFFSITE - PAYMENT PERFORMANCE AND MAINTANCE BONDS				\$19,000.00	

ITEM NO.	DESCRIPTION	UNIT	CONTRACT QUANTITY	CONTRACT AMOUNT	UNIT PRICE
CHANGE ORDER #1					
1	Concrete Rip Rap	SY	60.00	\$14,971.20	\$249.52
2	Traffic Control	EA	1.00	\$77,754.83	\$77,754.83
3	Engineering Credit	EA	1.00	-\$2,000.00	-\$2,000.00
SUBTOTAL OF CHANGE ORDER #1				\$90,726.03	

TOTAL CONTRACT	\$2,179,623.03
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CONDITIONAL WAIVER AND RELEASE ON FINAL PAYMENT

Project Edgewood Offsite Water & WW
Job No. 985

On receipt by the signer of this document of a check from M/I HOMES OF AUSTIN, LLC in the sum of \$217,962.30 payable to Cash Construction Company, Inc. and when the check has been properly endorsed and has been paid by the bank on which it is drawn, this document becomes effective to release any mechanic's lien right, any right arising from a payment bond that complies with a state or federal statute, any common law payment bond right, any claim for payment, and any rights under any similar ordinance, rule, or statute related to claim or payment rights for persons in the signer's position that the signer has on the property of M/I HOMES OF AUSTIN, LLC located at Edgewood Offsite Water & WW to the following extent: Utility and Street Improvements.

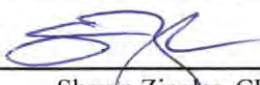
This release covers a final payment for all labor, services, equipment, or materials furnished to the property or to M/I HOMES OF AUSTIN, LLC as indicated in the attached statement(s) or final payment request(s), except for unpaid retention, pending modifications and changes, or other items furnished.

Before any recipient of this document relies on this document, the recipient should verify evidence of payment to the signer.

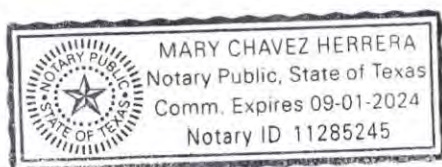
The signer warrants that the signer has already paid or will use the funds received from this final payment to promptly pay in full all of the signer's laborers, subcontractors, materialmen, and suppliers for all work, materials, equipment, or services provided for or to the above referenced project in regard to the attached statement(s) or final payment request(s).

Date 8/30/2022

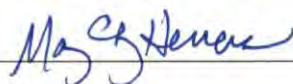
Cash Construction Company, Inc.

By 
Shawn Ziegler, CFO

SWORN TO AND SUBSCRIBED BEFORE ME by Shawn Ziegler, Chief Financial Officer of Cash Construction Company, Inc., on this 30th day of August, 2022.



Notary Public Signature



**FINAL BILLS PAID AFFIDAVIT
AND WAIVER OF LIEN**

STATE OF TEXAS
COUNTY OF TRAVIS

Date: 9/26/2022

Developer: M/I HOMES OF AUSTIN, LLC

Contractor/Material
Provider ("Affiant"): CASH CONSTRUCTION COMPANY INC

Project: EDGEWOOD OFFSITE WATER AND WASTEWATER

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 27th day of September, 2022

Initialed: SZ

AFFIANT:

Signature: [Signature]

Typed Name: Shawn Ziegler

Title: CFO

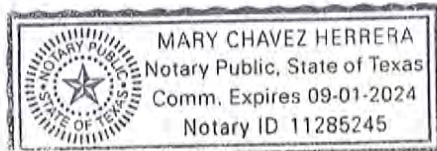
STATE OF TEXAS

COUNTY OF Travis

BEFORE ME the undersigned authority on this day personally appeared Shawn Ziegler, 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 27th day of September 2022

[S E A L]



[Signature]
Notary in and for the State of Texas

Name: Mary Chavez Herrera

My commission expires: 09-01-2024

Initialed: SZ



EXECUTIVE SUMMARY
11/03/2022

AGENDA SUBJECT:

Approval of an extension for waiver of Article 8.04, Noise, Section 8.04.001(a) (11) to Cadence McShane Construction in the hours of construction work extended through to December 4, 2022 with work beginning at 3:00 a.m. for construction activities for the Blockhouse Creek Farms project site located on 14951 Ronald W. Reagan Boulevard. The contractor will post notifications for nearby tenants a minimum of forty-eight (48) hours in advance of the activities.

BACKGROUND:

On October 10, 2022, Cadence McShane Construction requested Council approval for construction activities to begin at 3:00 a.m. from October 12 through October 25 (weather dependent), for concrete pours at the Blockhouse Creek Farms site. Due to construction conflicts out of their control, they were not able to finish the concrete pours by October 25 and are requesting an extension to the noise variance. This extended request would be starting November 4 with a proposed completion date of December 4, 2022 (weather dependent). Cadence McShane Construction will make every attempt to notify the residents and tenants in Hazlewood and Leander Junction Apartments that are adjacent to the jobsite forty-eight (48)- hours prior to the construction activity in and around the property.

APPLICANT/AGENT:

Cadence McShane Construction
Jeff Klein, Superintendent

RECOMMENDATION:

Staff recommends approval for an extension to the variance of the City's Noise Ordinance for construction activities as described in the attached request from Cadence McShane Construction for the Blockhouse Creek Farms Job site.

PRESENTER:

Daniel Grimsbo, Executive Director of Infrastructure
Emily Truman, City Engineer

Attachments

1. Noise Variance Request Form Blockhouse Creek Farms

Engineering Department

Temporary Noise Variance ApplicationChapter 8 Offenses and Nuisances – Article 8.04 Noise - **Sec.8.04.001.a11**

(11) The excavation or grading of land, or the erection, construction, demolition or alteration of any building or structure, between the hours of 9:00 p.m. and 7:00 a.m., within six hundred feet (600') of any occupied residential structure, or that generates, produces or results in any noise or sound that may be heard at the property line of any occupied residential structure; provided that this subsection shall not apply to any such work, construction, repairs or alterations that constitute an urgent necessity for the benefit and interest of the public safety, health or general welfare, e.g., repairs and emergency installations by any public utility, or to any excavation, erection, construction, demolition or alteration authorized by the city council to be undertaken between the hours of 9:00 p.m. and 7:00 a.m.

City Council meetings are held on the first and third Thursday each month. Any applications must be received by the City not later than Tuesday the week before the desired meeting date.

1. Reasons for requesting a Temporary Noise Variance from the City of Leander (e.g. Construction Activities, Concrete pours, etc.)
 - Extended time weather conditions and concrete plants availability has been challenging for completing the Concrete pours for the Blockhouse Creek Farms Project. We are asking for an extension to complete these pours.

2. List any noise generating equipment that will be operated during the variance window (e.g. Light plants, Generators, Backhoe, concrete saw, vacuum, etc.)
 - Generator, Concrete trucks, Concrete pumping truck

3. List any measures that will be taken to reduce the impacts to neighbors. (e.g. No alarms, whistles or sirens will be used, we will notify the neighbors, etc.)
 - We will use spotters (people) ILO of back up sirens, I will notify the neighbors 48 hours in advance, set up early and condense the noise to only when we are pouring where/when applicable.
 - We can also set up the pump truck closer to the road which will allow less travel of the concrete trucks and also proximity to apartments next door.



Engineering Department
Temporary Noise Variance Application

Project Address: Blockhouse Creek Farms: 14951 Ronald Reagan Blvd

Description of Work:

Extension for Concrete pours, early morning

In the fields below, please enter the start date and time including setup and traffic control. For the stop date use the ending day and time the variance will be needed including clean up.

Start Date: 11/4/2022 Start Time: 3:00AM

Finish Date: 12/4/2022 Finish Time: 6PM

Applicant Information:

Name: Jeff Klein Company Cadence McShane Construction Position: Superintendent

Address: 14951 Ronald Reagan Phone: 512-750-1964 E-mail: jklein@cadencemcshane.com

Contractor Information:

Name: Same as above Company _____ Position: _____

Address: _____ Phone: _____ E-mail: _____



EXECUTIVE SUMMARY
11/03/2022

AGENDA SUBJECT:

Approval of a proposal through DIR Contract No. DIR-TSO-4288 with Carahsoft Technology Group for Procore Project Management Pro application, Capital Improvement Project management and related modules in the amount of \$53,531.58 with the annual licensing adjusted per construction costs per year; and authorize the City Manager to execute all appropriate documentation.

BACKGROUND:

The Capital Improvements Program has been growing as the City of Leander grows. There are a substantial number of projects which should be managed with appropriate project management processes, procedures, and document management. Until now, all the projects were managed across a wide variety of software applications, causing dysfunction, inconsistency, loss of documentation and data, and the inability to track. To counter these inadequacies, the CIP program team reviewed multiple project management platforms and applications, this past year. Of those reviewed, the Procore Technologies, Inc. platform appeared to be the best value, with unlimited users, unlimited data, cloud-based with web access from anywhere working on iOS and Android, Windows, and Mac, with the lowest start-up fees and reasonable yearly licensing fees, for a platform that is easy to use, maintain and configure, providing transparency, tracking, and data management.

The goal is to manage all CIP projects through this platform, as well as the myriad of smaller projects. The initial fee and licensing for \$53,531.58, provides one (1) year of project management software, start-up, implementation, training and consultation, project financial and invoicing management, design coordination management, project estimating, bidding and qualifying management, contracting management, quality and safety management, and analytics and reports. The price is based on the dollar amount of projects under construction per year, which varies, and averages about \$0.18 per \$100,000.00 of construction (actual physical work) costs per year.

The 2022-2023 budget includes the procurement and first year's annual licensing costs for the Procore platform, with the initial cost of \$53,531.58. The contract term is yearly with unlimited users and unlimited data.

RECOMMENDATION:

Staff recommends approval of the procurement per the attached price quotation; and authorize the City Manager to execute all appropriate documentation.

PRESENTER:

Tony Bettis, PMP, CIP Program Manager

Fiscal Impact

Amount requested: \$53,531.58

Approved in current budget (Yes / No): Yes

Expenditure (New / Amended): New

Recurring or one-time: Recurring

Fund source (Operating / Utility / etc.): Operating

Attachments

1. Price Quote

PRICE QUOTATION



CARAHSOFT TECHNOLOGY CORP



11493 SUNSET HILLS ROAD | SUITE 100 | RESTON, VIRGINIA 20190
PHONE (703) 871-8585 | FAX (703) 871-8505
WWW.CARAHSOFT.COM | SALES@CARAHSOFT.COM

TO: Tony Bettis
City of Leander
201 N Brushy St.
Leander, TX 78641 USA

FROM: Drew Espinosa
Carahsoft Technology Corp.
11493 Sunset Hills Road
Suite 100
Reston, Virginia 20190

EMAIL: TBettis@leandertx.gov

EMAIL: Drew.Espinosa@carahsoft.com

PHONE:

PHONE: (571) 662-3087

FAX: (703) 871-8505

TERMS: DIR Contract No. DIR-TSO-4288
Expiration Date: February 21, 2025
FTIN: 52-2189693
Shipping Point: FOB Destination
Credit Cards: VISA/MasterCard/AMEX
Remit To: Same as Above
Payment Terms: Net 30 (On Approved Credit)
Texas VID#: 1522189693700
Sales Tax May Apply

QUOTE NO: 34867344
QUOTE DATE: 07/21/2022
QUOTE EXPIRES: 10/28/2022
RFQ NO:
SHIPPING: GROUND
TOTAL PRICE: \$53,531.58

TOTAL QUOTE: \$53,531.58

LINE NO.	PART NO.	DESCRIPTION	LIST PRICE	QUOTE PRICE	TX DIR	QTY	EXTENDED PRICE
1	PRO-1410-02-679	Project Management Pro: provides Project Overview, Documentation, and Communication Management tools, including Directory, Reports, Documents, Drawings, Photos, RFIs, Specifications, Submittals, and Punchlist. Pricing is maximum price for Annual Construc Procure Technologies, Inc. - PRO-1410-02	\$13,783.00	\$10,786.96	TX DIR	1	\$10,786.96
2	PRO-1480-02-679	Quality & Safety: provides Quality & Safety tools, including Incidents, Inspections, and Observations. Pricing is maximum price for Annual Construction Volume from \$5,000,001 - \$10,000,000. Procure Technologies, Inc. - PRO-1480-02	\$4,499.00	\$3,520.65	TX DIR	1	\$3,520.65
3	PRO-1430-02-679	Project Financials: provides Financial Management tools, including Direct Costs, Change Events, Commitments, Change Orders, Prime Contract, and Budget. Pricing is maximum price for Annual Construction Volume from \$5,000,001 - \$10,000,000. Procure Technologies, Inc. - PRO-1430-02	\$6,275.00	\$4,910.87	TX DIR	1	\$4,910.87
4	PRO-1600-02-679	Invoice Management: provides invoice management tools, including Owner and Subcontractor invoices. Pricing is maximum price for Annual Construction Volume from \$5,000,001 - \$10,000,000. Procure Technologies, Inc. - PRO-1600-02	\$3,750.00	\$3,668.48	TX DIR	1	\$3,668.48
5	PRO-1620-02-679	Bid Management: provides tools to create, send, manage, and collect bids, including Bidding and Planroom. Pricing is maximum price for Annual Construction Volume from \$5,000,001 - \$10,000,000. Procure Technologies, Inc. - PRO-1620-02	\$1,600.00	\$1,565.22	TX DIR	1	\$1,565.22



PRICE QUOTATION
CARAHSOFT TECHNOLOGY CORP



11493 SUNSET HILLS ROAD | SUITE 100 | RESTON, VIRGINIA 20190
PHONE (703) 871-8585 | FAX (703) 871-8505
WWW.CARAHSOFT.COM | SALES@CARAHSOFT.COM

LINE NO.	PART NO.	DESCRIPTION	LIST PRICE	QUOTE PRICE	TX DIR	QTY	EXTENDED PRICE
6	PRO-1630-02-679	Prequalification: provides tools to qualify companies, including Prequalification and Prequalification Manager. Pricing is maximum price for Annual Construction Volume from \$5,000,001 - \$10,000,000. Procore Technologies, Inc. - PRO-1630-02	\$1,300.00	\$1,271.74	TX DIR	1	\$1,271.74
7	PRO-1690-01-679	Design Coordination: provides tools to push coordination issues to observations. Pricing is maximum price for Annual Construction Volume up to \$25,000,000. Procore Technologies, Inc. - PRO-1690-01	\$1,750.00	\$1,711.96	TX DIR	1	\$1,711.96
8	PRO-1440-02-679	Estimating: provides Estimating tools, including Estimating and Takeoff. Pricing is maximum price for Annual Construction Volume up to \$20,000,000. Procore Technologies, Inc. - PRO-1440-02	\$7,000.00	\$6,847.83	TX DIR	1	\$6,847.83
9	PRO-1660-01-679	Procore Analytics Single Daily: export Procore product data into a hosted SQL database and apply Analytics tools on 101+ ready made reports and dashboard to derive insights. Pricing is maximum price for Annual Construction Volume up to \$20,000,000. Procore Technologies, Inc. - PRO-1660-01	\$4,675.00	\$4,573.91	TX DIR	1	\$4,573.91
10	PRO-2660-679	QuickStart 4: One hour of Procore's four-month packaged which includes Implementation Manager services, Consulting Hours, an extended Implementation Duration, Just-in-Time Training, access to Strategic Product Consultants, weekly implementation check-ins Procore Technologies, Inc. - PRO-2660	\$138.89	\$135.87	TX DIR	108	\$14,673.96
SUBTOTAL:							\$53,531.58

TOTAL PRICE: \$53,531.58

TOTAL QUOTE: \$53,531.58

- ACV - \$10M
- Project Cap - 50
- Contract - DIR



EXECUTIVE SUMMARY
11/03/2022

AGENDA SUBJECT:

Approval of the Second Reading of an Ordinance regarding the 50 High Gabriel East Addition Annexation Case 22-A-007 regarding the voluntary annexation of 1.594 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R474021; and generally addressed as 50 High Gabriel East, Leander, Williamson County, Texas.

BACKGROUND:

This resolution commences the voluntary annexation of 1.594 acres $\pm$ as described above. The resolution sets the public hearing for October 10, 2022 and the readings of the ordinance for October 10, 2022 and October 20, 2022. The second reading of the ordinance was rescheduled to November 3, 2022 so that the zoning case may run concurrently with the annexation request.

HISTORY/TIMELINE:

09/01/2022 - City Council, Approval of Resolution to Annex
10/10/2022 - City Council, Public Hearing & 1st Reading of the Ordinance for Annexation

APPLICANT/AGENT:

Kirkman Engineering (Shea Kirkman) on behalf of 50 High Gabriel Partners, LTD (Jeremy Steenerson)

PRESENTER:

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

Attachments

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

A RESOLUTION OF THE CITY OF LEANDER, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF LEANDER, TEXAS, ACCEPTING THE PETITION FOR ANNEXATION OF 3.903 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, (hereinafter, the “City”), a home-rule City, for annexation of said property, more particularly described herein (hereinafter, the “subject property”), into the City limits; and

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

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:

BEING 3.903 ACRES OF LAND IN THE WILLIAM MANSIL SURVEY, ABSTRACT NO. 437, AND BEING THE REMAINDER OF THAT CALLED 4.91 ACRES DESCRIBED IN DOCUMENT TO GARY WORTH SEAMAN, ET AL, RECORDED IN DOCUMENT NO. 9648053 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 3.903 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT A ATTACHED HERETO AND INCORPORATED BY REFERENCE HEREIN, EXCEPTING ANY PROPERTY ALREADY ANNEXED INTO THE CITY OF LEANDER, TEXAS.

A public hearing has been set for the date of **October 10th, 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 1st day of September, 2022.

ATTEST:

THE CITY OF LEANDER, TEXAS

Dara Crabtree, City Secretary

Christine DeLisle, Mayor

Exhibit A

SUBJECT PROPERTY DESCRIPTION

BEING 3.903 ACRES OF LAND IN THE WILLIAM MANSIL SURVEY, ABSTRACT NO. 437, AND BEING THE REMAINDER OF THAT CALLED 4.91 ACRES DESCRIBED IN DOCUMENT TO GARY WORTH SEAMAN, ET AL, RECORDED IN DOCUMENT NO. 9648053 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 3.903 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron pin found along the east right-of-way line of U.S. Hwy. 183-Am as described in document recorded in Document No. 2004071926 Official Public Records of Williamson County, Texas, along the north line of said 4.91 acres, at the southwest corner of the remainder of a called 18.70 acres described in document to Tai Keong Wong, et al, recorded in Volume 1982, Page 631 Official Public Records of Williamson County, Texas, and at the northwest corner hereof;

THENCE North 69°22'12" East, along the south line of said Wong tract, along the north line of said 4.91 acres, and hereof, passing a 1/2" iron pin found at a distance of 137.74', and in all, a distance of 1049.42' to a calculated point in a power pole at the common corner of said Wong tract, a tract described in document to Rober & Carla Riley, recorded in Document No 19990831994, Official Public Records of Williamson County, Texas, a tract described in a document to West Texas Tumbleweed, LP, recorded in Document No. 2007095737, Official Public Records of Williamson County, Texas, and hereof;

THENCE South 20°39;10" East, along the west line of said Tumbleweed tract a distance of 155.52' to a ½" iron found along the north line of Lot 11 of Bryson Phase 2, Section 1, a subdivision in Williamson County, Texas, as shown on a plat recorded in Document No. 2017105839, Official Public Records of Williamson County, Texas, at the southeast corner hereof;

THENCE South 69°20'55" West, along the north line of said Bryson Subdivision, the north line of a called 13.809 acre tract described in document to ARSG Living, LLC, recorded in Document No. 2020166828, Official Public Records of Williamson County, Texas, and along the south line hereof, a distance of 1133.10' to a ½" iron pin found along the east right-of-way line of said U.S. Hwy 183-A, at the northwest corner of said ARSG Living tract, and at the southwest corner hereof, in a curve to the right;

THENCE along the right-of-way of said highway, the following courses and distances:

- 1) Along a curve to the having a delta angle of 01°23'24", an arc length of 134.14', a radius of 5529.58', a chord bearing of North 07°25'05" East, and a chord length of 134.14' to a concrete right-of-way monument found at the end of said curve;
- 2) North 08°03'17" East, a distance of 42.81' to the **POINT OF BEGINNING**, containing 3.90 acres, more or less.

LESS AND EXCEPT ANY PROPERTY ALREADY ANNEXED INTO LEANDER, TEXAS.

Exhibit B

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”); and

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; and

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

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; and

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 incorporated by reference herein; 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:

BEING 3.903 ACRES OF LAND IN THE WILLIAM MANSIL SURVEY, ABSTRACT NO. 437, AND BEING THE REMAINDER OF THAT CALLED 4.91 ACRES DESCRIBED IN DOCUMENT TO GARY WORTH SEAMAN, ET AL, RECORDED IN DOCUMENT NO. 9648053 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 3.903 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT A, ATTACHED HERETO AND INCORPORATED BY REFERENCE HEREIN, EXCEPTING ANY PROPERTY ALREADY ANNEXED INTO THE CITY OF LEANDER, 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 ____ day of _____ 20____, with the City Secretary of the City of Leander, Williamson County, Texas.

Petitioners:

By: _____

Name: _____

Title: _____

By: _____

Name: _____

Title: _____

§

§

§

day personally appeared _____,

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

(SEAL)

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
PROPERTY DESCRIPTION

BEING 3.903 ACRES OF LAND IN THE WILLIAM MANSIL SURVEY, ABSTRACT NO. 437, AND BEING THE REMAINDER OF THAT CALLED 4.91 ACRES DESCRIBED IN DOCUMENT TO GARY WORTH SEAMAN, ET AL, RECORDED IN DOCUMENT NO. 9648053 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 3.903 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron pin found along the east right-of-way line of U.S. Hwy. 183-Am as described in document recorded in Document No. 2004071926 Official Public Records of Williamson County, Texas, along the north line of said 4.91 acres, at the southwest corner of the remainder of a called 18.70 acres described in document to Tai Keong Wong, et al, recorded in Volume 1982, Page 631 Official Public Records of Williamson County, Texas, and at the northwest corner hereof;

THENCE North 69°22'12" East, along the south line of said Wong tract, along the north line of said 4.91 acres, and hereof, passing a 1/2" iron pin found at a distance of 137.74', and in all, a distance of 1049.42' to a calculated point in a power pole at the common corner of said Wong tract, a tract described in document to Rober & Carla Riley, recorded in Document No 19990831994, Official Public Records of Williamson County, Texas, a tract described in a document to West Texas Tumbleweed, LP, recorded in Document No. 2007095737, Official Public Records of Williamson County, Texas, and hereof;

THENCE South 20°39'10" East, along the west line of said Tumbleweed tract a distance of 155.52' to a ½" iron found along the north line of Lot 11 of Bryson Phase 2, Section 1, a subdivision in Williamson County, Texas, as shown on a plat recorded in Document No. 2017105839, Official Public Records of Williamson County, Texas, at the southeast corner hereof;

THENCE South 69°20'55" West, along the north line of said Bryson Subdivision, the north line of a called 13.809 acre tract described in document to ARSG Living, LLC, recorded in Document No. 2020166828, Official Public Records of Williamson County, Texas, and along the south line hereof, a distance of 1133.10' to a ½" iron pin found along the east right-of-way line of said U.S. Hwy 183-A, at the northwest corner of said ARSG Living tract, and at the southwest corner hereof, in a curve to the right;

THENCE along the right-of-way of said highway, the following courses and distances:

- 3) Along a curve to the having a delta angle of $01^{\circ}23'24''$, an arc length of 134.14', a radius of 5529.58', a chord bearing of North $07^{\circ}25'05''$ East, and a chord length of 134.14' to a concrete right-of-way monument found at the end of said curve;
- 4) North $08^{\circ}03'17''$ East, a distance of 42.81' to the **POINT OF BEGINNING**, containing 3.90 acres, more or less.

LESS AND EXCEPT ANY PROPERTY ALREADY ANNEXED INTO THE CITY OF LEANDER, TEXAS.

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 High Gabriel Partners, LTD (“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, less and except any property previously annexed by the City. (the “subject property”); and

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; and

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; and

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

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

WHEREAS, the 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; and

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

Richard B. Beverlin, III, City Manager

LANDOWNER(S):

By: _____

Name (print): _____

Title: _____

Date: _____

By: _____

Name (print): _____

Title: _____

Date: _____

Subject Property Description

BEING 3.903 ACRES OF LAND IN THE WILLIAM MANSIL SURVEY, ABSTRACT NO. 437, AND BEING THE REMAINDER OF THAT CALLED 4.91 ACRES DESCRIBED IN DOCUMENT TO GARY WORTH SEAMAN, ET AL, RECORDED IN DOCUMENT NO. 9648053 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 3.903 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron pin found along the east right-of-way line of U.S. Hwy. 183-Am as described in document recorded in Document No. 2004071926 Official Public Records of Williamson County, Texas, along the north line of said 4.91 acres, at the southwest corner of the remainder of a called 18.70 acres described in document to Tai Keong Wong, et al, recorded in Volume 1982, Page 631 Official Public Records of Williamson County, Texas, and at the northwest corner hereof;

THENCE North 69°22'12" East, along the south line of said Wong tract, along the north line of said 4.91 acres, and hereof, passing a 1/2" iron pin found at a distance of 137.74', and in all, a distance of 1049.42' to a calculated point in a power pole at the common corner of said Wong tract, a tract described in document to Rober & Carla Riley, recorded in Document No 19990831994, Official Public Records of Williamson County, Texas, a tract described in a document to West Texas Tumbleweed, LP, recorded in Document No. 2007095737, Official Public Records of Williamson County, Texas, and hereof;

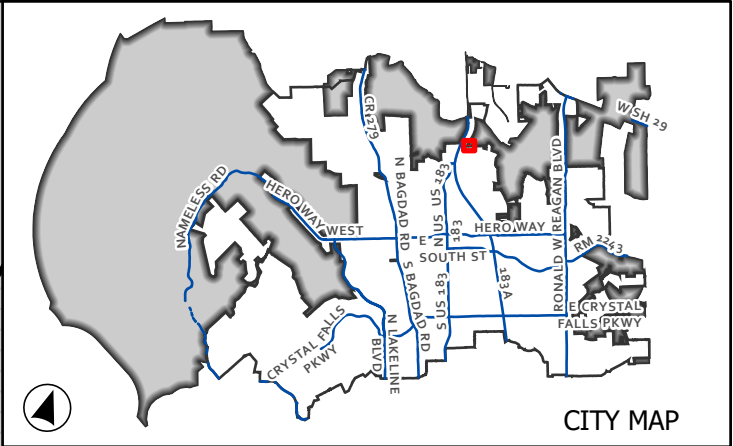
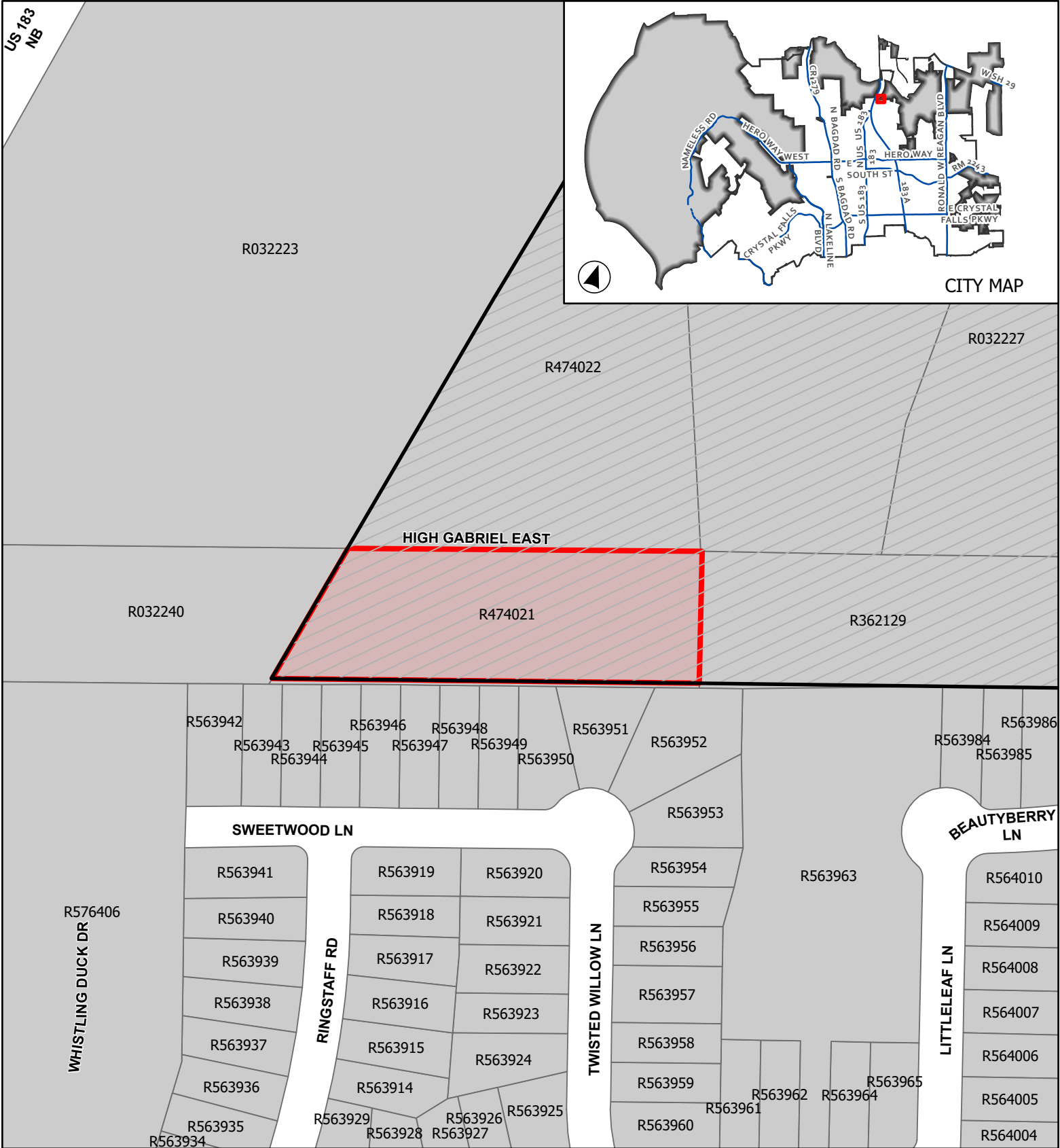
THENCE South 20°39'10" East, along the west line of said Tumbleweed tract a distance of 155.52' to a ½" iron found along the north line of Lot 11 of Bryson Phase 2, Section 1, a subdivision in Williamson County, Texas, as shown on a plat recorded in Document No. 2017105839, Official Public Records of Williamson County, Texas, at the southeast corner hereof;

THENCE South 69°20'55" West, along the north line of said Bryson Subdivision, the north line of a called 13.809 acre tract described in document to ARSG Living, LLC, recorded in Document No. 2020166828, Official Public Records of Williamson County, Texas, and along the south line hereof, a distance of 1133.10' to a ½" iron pin found along the east right-of-way line of said U.S. Hwy 183-A, at the northwest corner of said ARSG Living tract, and at the southwest corner hereof, in a curve to the right;

THENCE along the right-of-way of said highway, the following courses and distances:

- 1) Along a curve to the having a delta angle of 01°23'24", an arc length of 134.14', a radius of 5529.58', a chord bearing of North 07°25'05" East, and a chord length of 134.14' to a concrete right-of-way monument found at the end of said curve;
- 2) North 08°03'17" East, a distance of 42.81' to the **POINT OF BEGINNING**, containing 3.90 acres, more or less.

LESS AND EXCEPT ANY PROPERTY ALREADY ANNEXED INTO THE CITY OF LEANDER, TEXAS.



CASE: 22-A-007 ATTACHMENT 2 50 HIGH GABRIEL EAST (ADDITION)

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.

0 70 140
Feet

- Leander City Limits
- ETJ
- Site Location

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”); and

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; and

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

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; and

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 incorporated by reference herein; 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:

BEING 3.903 ACRES OF LAND IN THE WILLIAM MANSIL SURVEY, ABSTRACT NO. 437, AND BEING THE REMAINDER OF THAT CALLED 4.91 ACRES DESCRIBED IN DOCUMENT TO GARY WORTH SEAMAN, ET AL, RECORDED IN DOCUMENT NO. 9648053 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 3.903 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT A, ATTACHED HERETO AND INCORPORATED BY REFERENCE HEREIN AND EXCEPTING ANY PROPERTY ALREADY ANNEXED INTO THE CITY OF LEANDER.

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 ____ day of _____ 20____, with the City Secretary of the City of Leander, Williamson County, Texas.

Petitioners:

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

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

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
PROPERTY DESCRIPTION

BEING 3.903 ACRES OF LAND IN THE WILLIAM MANSIL SURVEY, ABSTRACT NO. 437, AND BEING THE REMAINDER OF THAT CALLED 4.91 ACRES DESCRIBED IN DOCUMENT TO GARY WORTH SEAMAN, ET AL, RECORDED IN DOCUMENT NO. 9648053 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 3.903 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

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THENCE North 69°22'12" East, along the south line of said Wong tract, along the north line of said 4.91 acres, and hereof, passing a 1/2" iron pin found at a distance of 137.74', and in all, a distance of 1049.42' to a calculated point in a power pole at the common corner of said Wong tract, a tract described in document to Rober & Carla Riley, recorded in Document No 19990831994, Official Public Records of Williamson County, Texas, a tract described in a document to West Texas Tumbleweed, LP, recorded in Document No. 2007095737, Official Public Records of Williamson County, Texas, and hereof;

THENCE South 20°39;10" East, along the west line of said Tumbleweed tract a distance of 155.52' to a ½" iron found along the north line of Lot 11 of Bryson Phase 2, Section 1, a subdivision in Williamson County, Texas, as shown on a plat recorded in Document No. 2017105839, Official Public Records of Williamson County, Texas, at the southeast corner hereof;

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THENCE along the right-of-way of said highway, the following courses and distances:

- 1) Along a curve to the having a delta angle of 01°23'24", an arc length of 134.14', a radius of 5529.58', a chord bearing of North 07°25'05" East, and a chord length of 134.14' to a concrete right-of-way monument found at the end of said curve;
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This Agreement is entered into by and between the City of Leander, Texas, a municipal corporation ("City"), and High Gabriel Partners, LTD ("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, less and except any property previously annexed by the City. (the "subject property"); and

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; and

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; and

WHEREAS, this Agreement shall be deemed effective on the effective date of an ordinance approved by the City annexing the subject property (hereinafter, the "Effective Date"); and

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

WHEREAS, the 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; and

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

Richard B. Beverlin, III, City Manager

LANDOWNER(S):

By: _____
Name (print): _____
Title: _____
Date: _____

By: _____
Name (print): _____
Title: _____
Date: _____

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

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

Subject Property Description

BEING 3.903 ACRES OF LAND IN THE WILLIAM MANSIL SURVEY, ABSTRACT NO. 437, AND BEING THE REMAINDER OF THAT CALLED 4.91 ACRES DESCRIBED IN DOCUMENT TO GARY WORTH SEAMAN, ET AL, RECORDED IN DOCUMENT NO. 9648053 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 3.903 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron pin found along the east right-of-way line of U.S. Hwy. 183-Am as described in document recorded in Document No. 2004071926 Official Public Records of Williamson County, Texas, along the north line of said 4.91 acres, at the southwest corner of the remainder of a called 18.70 acres described in document to Tai Keong Wong, et al, recorded in Volume 1982, Page 631 Official Public Records of Williamson County, Texas, and at the northwest corner hereof;

THENCE North 69°22'12" East, along the south line of said Wong tract, along the north line of said 4.91 acres, and hereof, passing a 1/2" iron pin found at a distance of 137.74', and in all, a distance of 1049.42' to a calculated point in a power pole at the common corner of said Wong tract, a tract described in document to Rober & Carla Riley, recorded in Document No 19990831994, Official Public Records of Williamson County, Texas, a tract described in a document to West Texas Tumbleweed, LP, recorded in Document No. 2007095737, Official Public Records of Williamson County, Texas, and hereof;

THENCE South 20°39'10" East, along the west line of said Tumbleweed tract a distance of 155.52' to a ½" iron found along the north line of Lot 11 of Bryson Phase 2, Section 1, a subdivision in Williamson County, Texas, as shown on a plat recorded in Document No. 2017105839, Official Public Records of Williamson County, Texas, at the southeast corner hereof;

THENCE South 69°20'55" West, along the north line of said Bryson Subdivision, the north line of a called 13.809 acre tract described in document to ARSG Living, LLC, recorded in Document No. 2020166828, Official Public Records of Williamson County, Texas, and along the south line hereof, a distance of 1133.10' to a ½" iron pin found along the east right-of-way line of said U.S. Hwy 183-A, at the northwest corner of said ARSG Living tract, and at the southwest corner hereof, in a curve to the right;

THENCE along the right-of-way of said highway, the following courses and distances:

- 1) Along a curve to the having a delta angle of 01°23'24", an arc length of 134.14', a radius of 5529.58', a chord bearing of North 07°25'05" East, and a chord length of 134.14' to a concrete right-of-way monument found at the end of said curve;
- 2) North 08°03'17" East, a distance of 42.81' to the **POINT OF BEGINNING**, containing 3.90 acres, more or less.

LESS AND EXCEPT ANY PROPERTY ALREADY ANNEXED INTO THE CITY OF LEANDER, TEXAS.



EXECUTIVE SUMMARY
11/03/2022

AGENDA SUBJECT:

Approval of the Second Reading of an Ordinance regarding Zoning Case 22-Z-027 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to change the zoning to LC-2-A (Local Commercial) on one (1) parcel of land approximately 1.59 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R474021; and more commonly known as 50 High Gabriel East, Leander, Williamson County, Texas.

BACKGROUND:

This request is the final step in the zoning process. Staff recommends approval of this request. The request is consistent with the Comprehensive Plan and Composite Zoning Ordinance.

The Planning & Zoning Commission unanimously recommended approval of this request with the amended base zoning during the September 22, 2022 meeting. During the discussion, the Commission had concerns about approval of the GC-3-A (General Commercial) base zoning district. The applicant agreed to amend the request to include the base zoning district of LC-2-A (Local Commercial).

HISTORY/TIMELINE:

09/01/2022 - City Council, Approval of Resolution to Annex
09/22/2022 - Planning & Zoning Commission, 1st Public Hearing
10/10/2022 - City Council, Public Hearing & 1st Reading of the Ordinance for Annexation
10/20/2022 - City Council, 2nd Public Hearing

APPLICANT/AGENT:

Kirkman Engineering, LLC (Shea Kirkman) on behalf of 50 High Gabriel Partners, LTD (Jeremy Steenerson).

RECOMMENDATION:

The City Council approved the applicant's request to change the zoning to LC-2-A (Local Commercial) during the October 20, 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. Minor PUD Notes
8. Letter of Intent
9. Summary of Neighborhood Communication
10. Ordinance

11. P&Z Minutes



PLANNING ANALYSIS

ZONING CASE 22-Z-027 50 HIGH GABRIEL EAST ADDITION MINOR PUD

GENERAL INFORMATION

Owner/Agent:	Kirkman Engineering, LLC (Shea Kirkman) on behalf of 50 High Gabriel Partners, LTD (Jeremy Steenerson).
Current Zoning:	Interim SFR-1-B (Single-Family Rural)
Proposed Zoning:	Minor PUD (Planned Unit Development) with base zoning of: LC-3-A (Local Commercial)
Size and Location:	The property is located 50 High Gabriel East, including approximately 1.59 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 develop office and retail uses on the property.

STAFF CONCLUSIONS

Y N

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

SPECIAL CONSIDERATIONS

This property is subject to an annexation request (22-A-007) which will run concurrently with the zoning request. The requested annexation and zoning is in line with the previously approved 50 High Gabriel East Minor PUD (Ordinance 22-052-00) and would serve as an addition to this development. Staff recommends approval of this request. During the Planning & Zoning Commission meeting the Commission requested that the applicant amend the base zoning district to LC-2-A (Local Commercial). This change removed the need for the list of prohibited uses and changed the request so that developments such as car washes, gas stations, and office warehouse are not permitted.

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

	ZONING	LAND USE
NORTH	ETJ Interim SFS-2-B	Undeveloped
EAST	ETJ	Residential
SOUTH	PUD	Residential (Bryson Subdivision)
WEST	PUD	Undeveloped (50 High Gabriel East Minor PUD)

SURROUNDING AREA:

This property is located southeast for the interdiction of 183A Toll Road and High Gabriel East. The tract is bound to the north by an undeveloped lot and to the east by large lot residential. Phase 2, Section 1 of the Bryson Subdivision is south of the tract and to the east is the original, undeveloped portion of the 50 High Gabriel East PUD (base zone of GC-3-A).

PHYSICAL AND NATURAL FEATURES:

This property is currently out of the floodplain, undeveloped and contains significant tree cover which will be subject to the Leander Tree preservation requirements and mitigation at time of site development submittal.

MAJOR CORRIDORS:

This property has access onto High Gabriel East

TRANSPORTATION PLAN REQUIREMENTS:

Driveways along High Gabriel will be reviewed by Engineering staff at site development stage. The driveway spacing along High Gabriel will be dictated by the Austin Transportation Criteria Manual. The ultimate build out of High Gabriel may be determined by the Engineering Department during the development process. Additionally, the applicant will submit either a Traffic Impact Analysis (TIA) or fee in lieu of TIA as determined by the City Engineer.

SUBDIVISIONS:

Property is currently unplatted.

EXISTING UTILITIES:

This property has access to both water and sewer to the south through the Bryson Subdivision.

CURRENT LAND USES:

This property is currently undeveloped.

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

ARCHITECTURAL COMPONENT**TYPE A:**

Features: five or more architectural features.

Intent:

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

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

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

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 12/20/2021. No significant changes were made to the proposal prior to official submittal.

NOTIFICATION

- 09/01/2022 - Public Notice on Hill Country News
- 09/07/2022 - Mail Notification to Property Owners within 200'
- 09/07/2022 - Public Hearing Signage Posted on Property (see below)
- 09/22/2022 - Planning and Zoning Commission Public Hearing
- 10/20/2022 - City Council Public Hearing & First Reading of the Ordinance
- 11/03/2022 - City Council Second & Final Reading of the Ordinance

SIGNAGE ON SITE



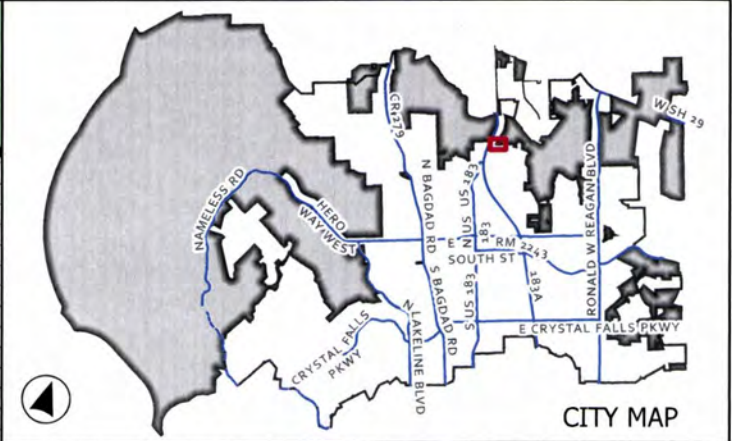
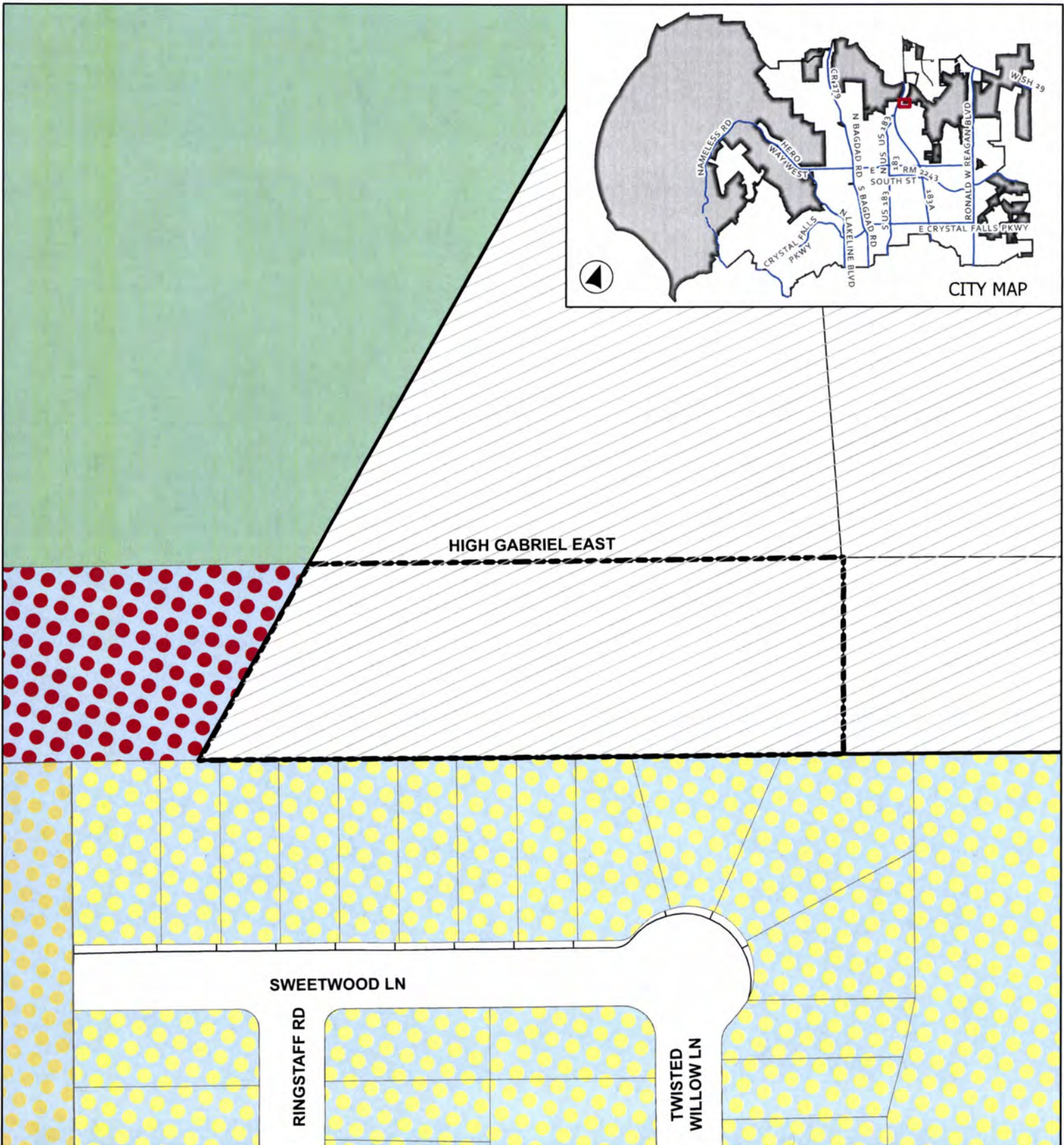
PUBLIC NOTIFICATION:

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.

Please see the full report from the applicant as attachment 9.

APPROVAL CRITERIA:

This request is proposing a Minor PUD in order to allow for the development of office and retail uses with the base zoning of LC-2-A (Local Commercial). This site will have frontage off US 183 and serve as an addition to the 50 High Gabriel East PUD. Allowable uses within the PUD are those permitted by right within the requested zoning, with the applicant adding several prohibited uses that are incompatible with the surrounding uses and area (i.e. animal boarding, bar, liquor store, outdoor nursery, etc). Staff recommends approval of the request.



CASE: 22-Z-027

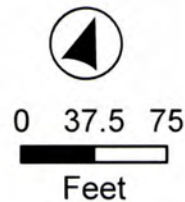
ATTACHMENT 5

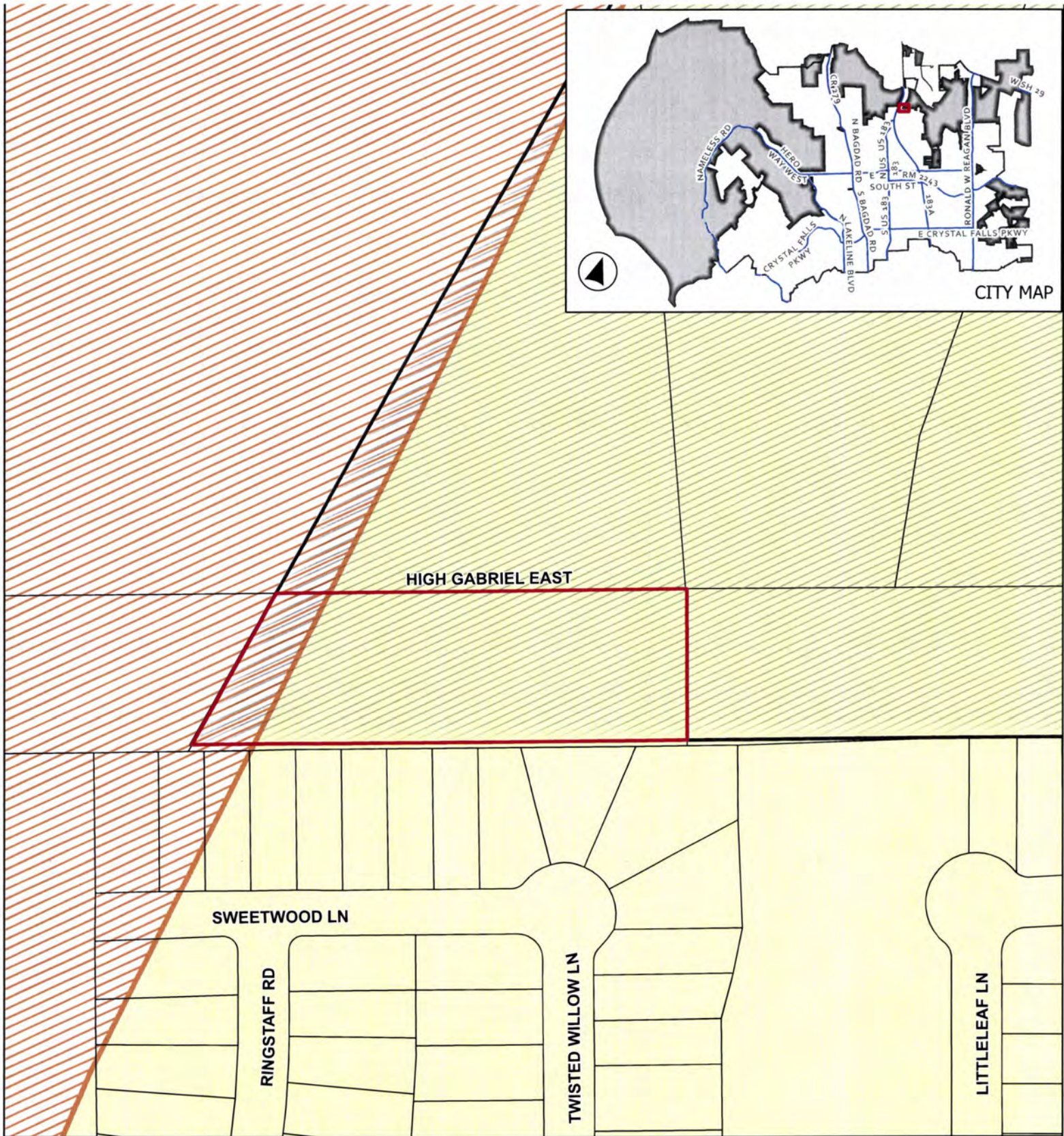
50 HIGH GABRIEL EAST (ADDITION)

Current Zoning

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- | | |
|------------------------------|--------------------------|
| Leander City Limits | PUD - Single-Family |
| ETJ | PUD-CH |
| Subject Area | PUD - General Commercial |
| SFS - Single-Family Suburban | |





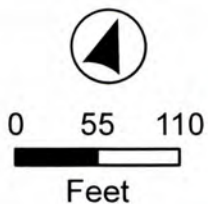
CASE: 22-Z-027

ATTACHMENT 3

50 HIGH GABRIEL
EAST (ADDITION)

Future Land Use Map

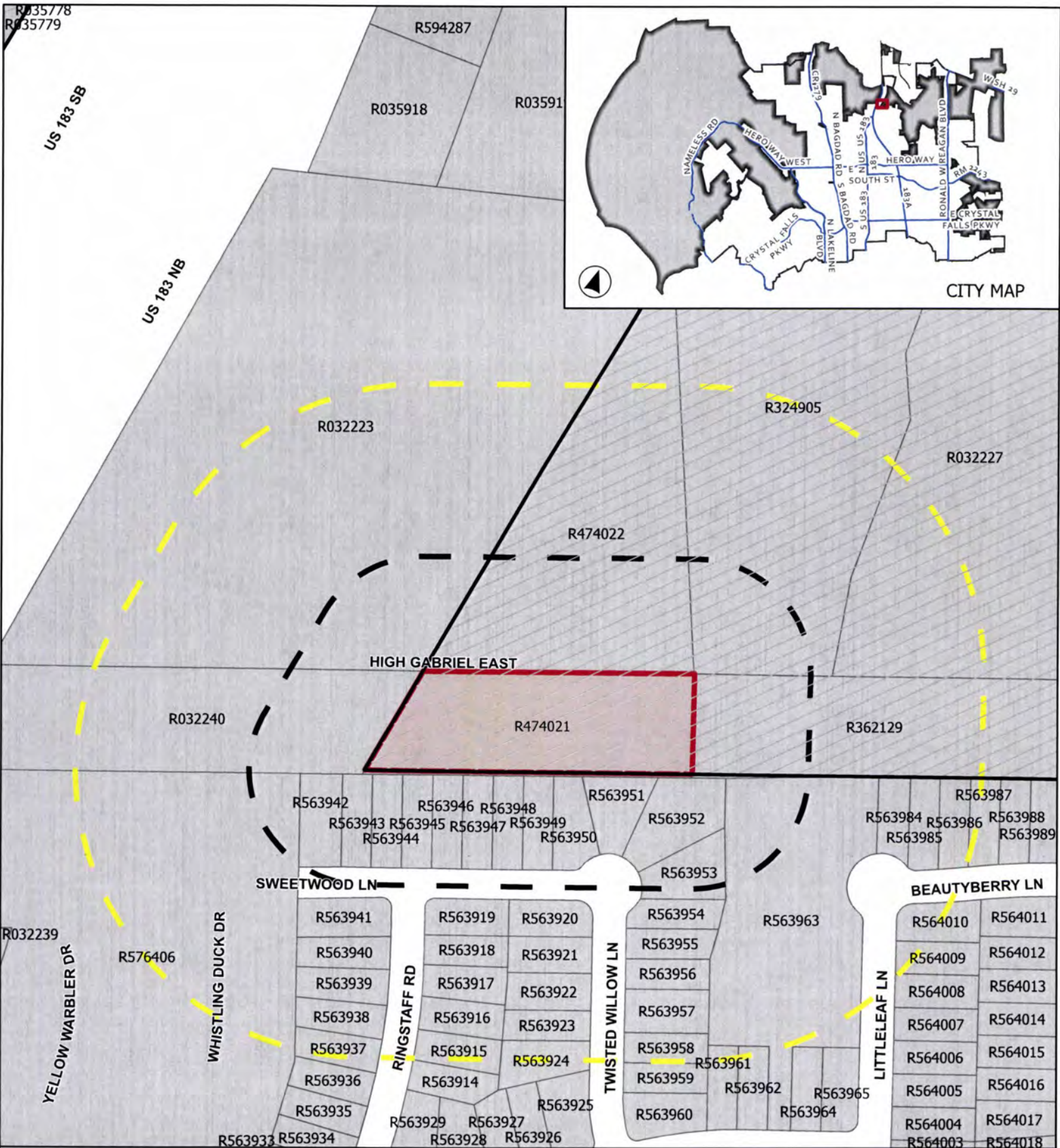
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- Leander City Limits
- Leander ETJ
- Subject Area

Future Land Use

- Neighborhood Residential
- Multi-Use Corridor - Priority Corridor



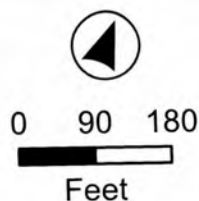
CASE: 22-SU-002

ATTACHMENT 4

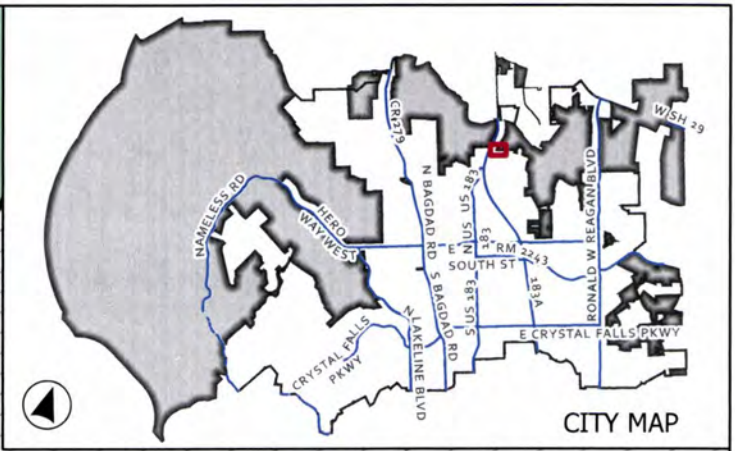
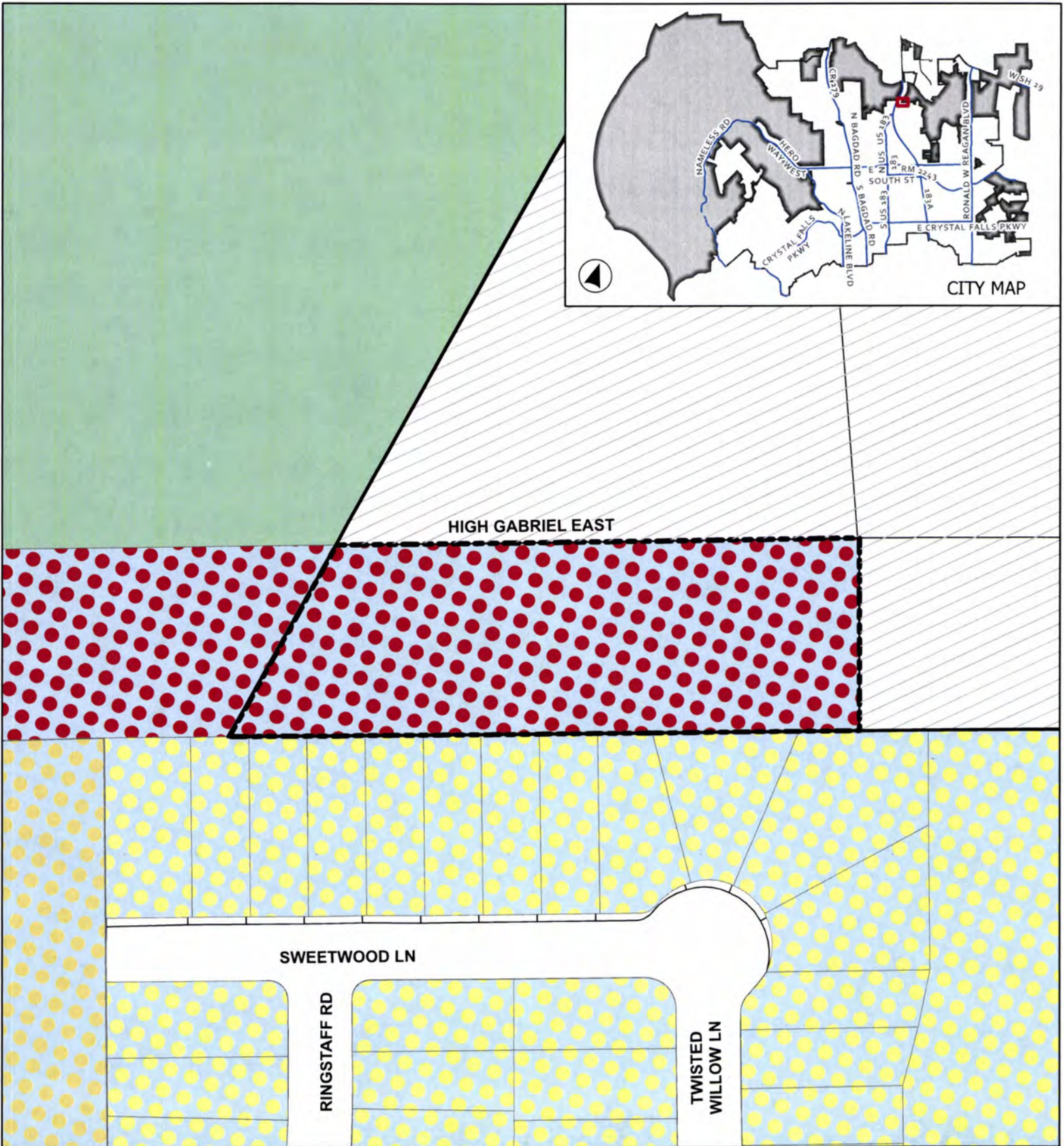
50 HIGH GABRIEL
EAST (ADDITION)

Public Notification

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- 200' Buffer
- 500' Buffer
- Leander City Limits
- ETJ
- Site Location



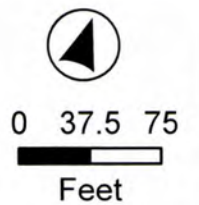
CASE: 22-Z-027 ATTACHMENT 5 50 HIGH GABRIEL EAST (ADDITION)

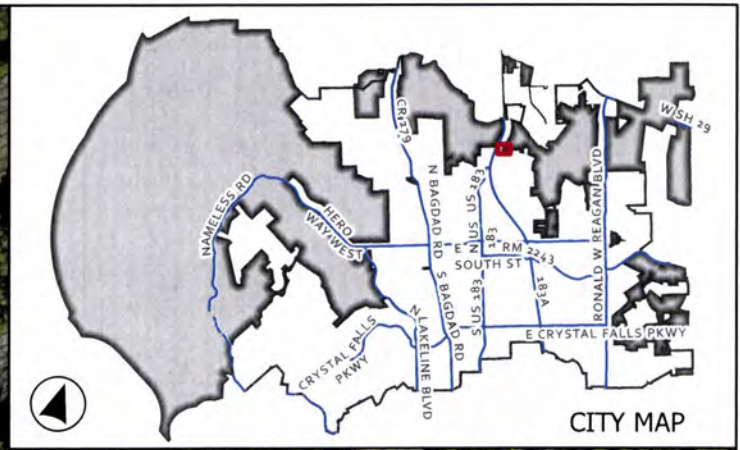
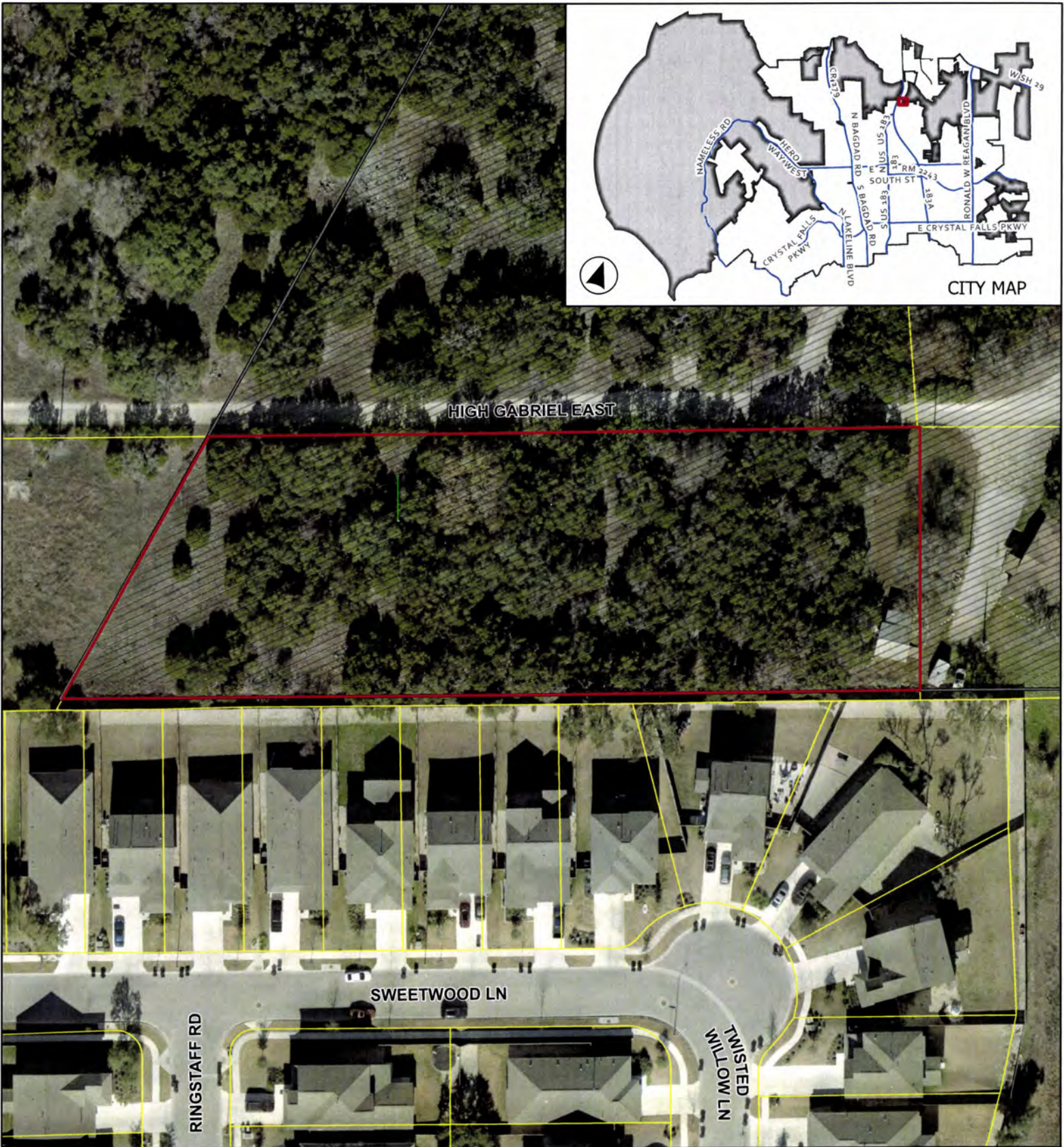
Proposed Zoning

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- Leander City Limits
- Proposed ETJ
- Subject Area
- SFS - Single-Family Suburban

- PUD - Single-Family
- PUD-CH
- PUD - General Commercial





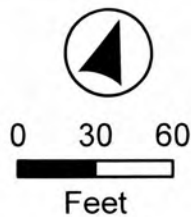
CASE: 22-Z-027

ATTACHMENT 6

50 HIGH GABRIEL
EAST (ADDITION)

Aerial Map

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- Leander City Limits
- Leander ETJ
- Subject Area

EXHIBIT A

50 High Gabriel East Addition Minor Planned Unit Development

A. Purpose and Intent

1. The 50 High Gabriel East Addition PUD is comprised of approximately 1.594 acres, as shown in **Exhibit B**. The development of this property includes commercial uses.

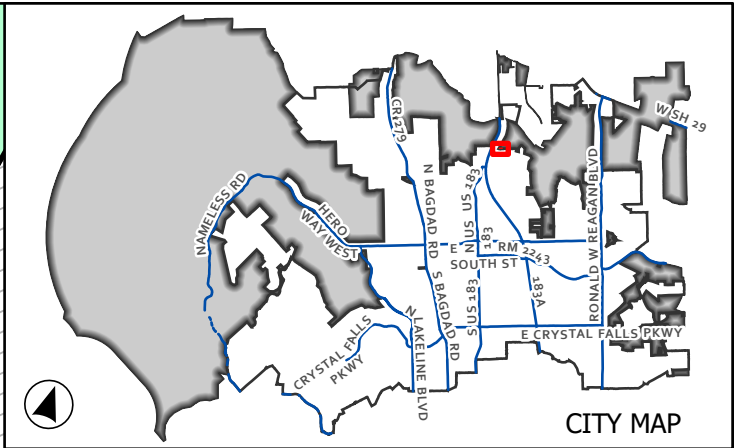
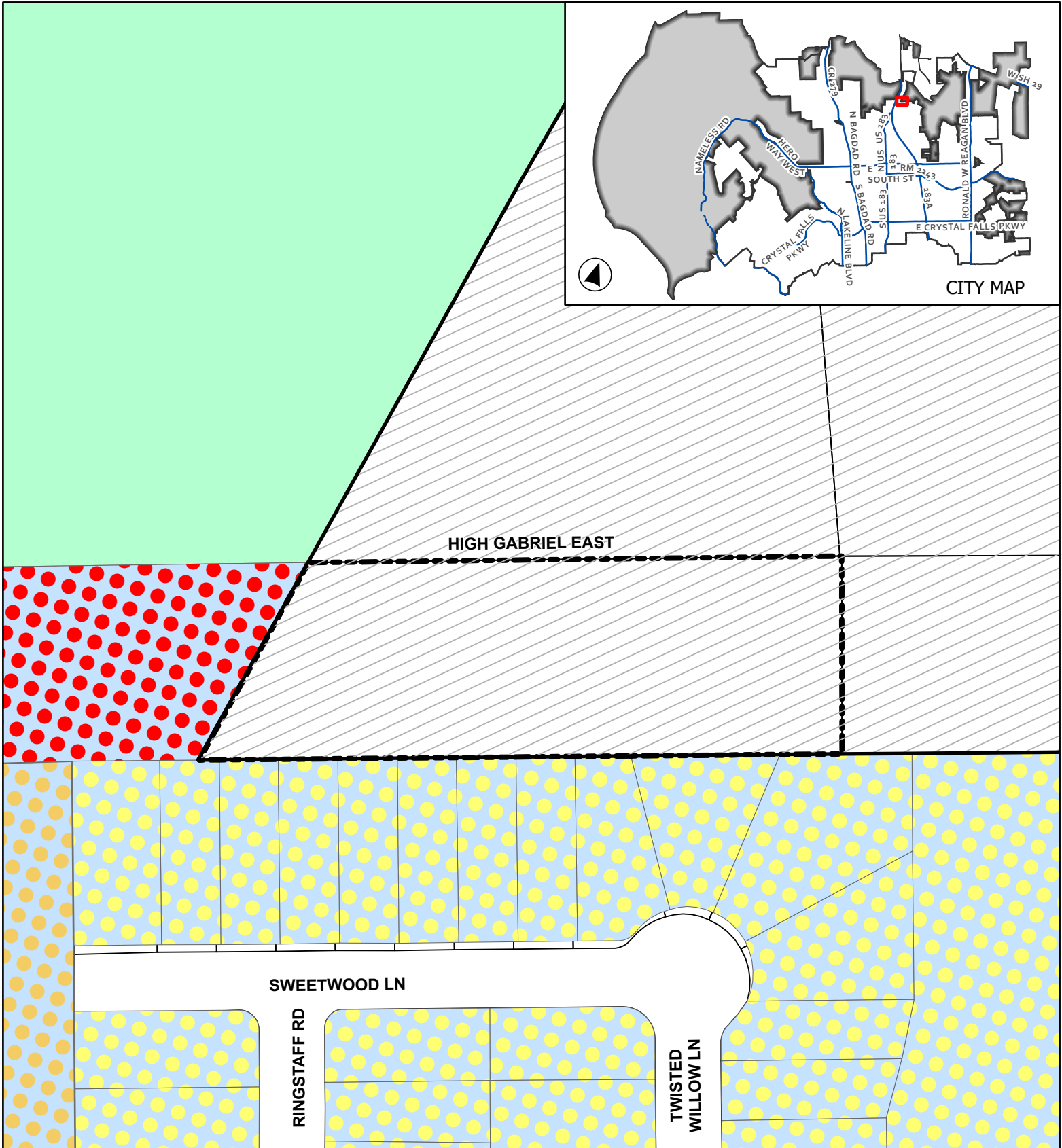
B. Applicability and Base Zoning

1. All aspects regarding the development of this PUD shall comply 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.

LC-2-A (Local Commercial)

C. Allowable / Prohibited Uses

1. The allowable uses shall include those permitted uses within LC-2-A General Commercial District.



CASE: 22-Z-027

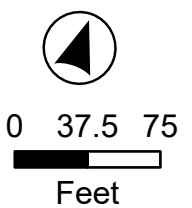
50 HIGH GABRIEL EAST (ADDITION)

Exhibit B

- Leander City Limits
- ETJ
- Subject Area
- SFS - Single-Family Suburban

- PUD - Single-Family
- PUD-CH
- PUD - General Commercial

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.



Kirkman Engineering
1130 Cottonwood Creek Trail
Suite C3
Cedar Park, TX 78613
512-428-8586



August 2, 2022

City of Leander Planning Department
P.O. Box 319
Leander, Texas 78646

Zoning Change Request: 50 High Gabriel East, Leander TX

On behalf of the property owner, I am applying for a zoning change on the property located at 50 High Gabriel East (Williamson County Appraisal District Parcel ID R474021) and more particularly described below.

The property is currently undeveloped with moderate tree coverage and sloping terrain. The property is bound along the south by the Bryson residential community, to the north by existing High Gabriel Road and undeveloped property, to the east by residential acreage and to the west by Highway 183A.

The property is currently in the City of Leander's ETJ with a change to Minor PUD with GC-3-A base district being proposed. This change in zoning will provide for the ability to develop office and retail uses on the property consistent with the Leander future land use plan.

I look forward to working with the Leander team on this project. Please don't hesitate to contact me at 512-428-8586 if you have any questions.

Sincerely,

Shea Kirkman, P.E.

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 mailed to the surrounding properties. The applicant personally met with the adjacent owners to the east and continue to coordinate the project monthly. The applicant attended a Bryson HOA Board meeting on March 22, 2022 to outline the entire project and answer questions. The contact information of the notified properties are attached.

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.

See attached sheet for the owners information and address that were notified. See below for the contact information of the Bryson HOA; Marsha Hove, CMCA, AMS, PCAM (Community Manager, Bryson) 1960 Pleasant Hill Rd • Leander, TX 78641 (p: 512-259-1035 • c: 512- 808-3700)
www.mybrysoncommunity.com
www.CCMCnet.com

3. What concerns were raised during these communications?

1. How will our site be accessed? Answer: from 183 and not through Bryson.

2. What uses are planned? Answer: Retail/Medical/Professional Office including several buildings owner occupied by the development team.

3. What will the buildings look like? Answer: Don't know yet, but looking to attract high end tenants so building materials expected to meet and/or exceed City standard.

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: _____

Date: _____

7/5/22

WONG TAI KEONG ETUX &
KWOK-WAI CHIU ETUX
12907 TANTARA DRIVE,
AUSTIN, TX 78729

ARSG LIVING LLC
Attn: MATT ENZLER
3889 MAPLE AVE #STE 200
DALLAS, TX 75219

BOGDAN MARIUS NEGRU & ALINA
LAURA NEGRU
525 SWEETWOOD LN
LEANDER, TX 78641

VERONICA YADIRA GALAVEZ
537 SWEETWOOD LN
LEANDER, TX 78641

BROWN ROSS & MARGARITA RUBI
AVILES BENITEZ
609 SWEETWOOD LN
LEANDER, TX 78641

PATRICIA GAIL SIERRA & JOSE
MIGUEL SIERRA
2320 TWISTED WILLOW LN
LEANDER, TX 78641

WILLIAM LARKAM & ANNA
CHRISTIAN DOSS LARKAM
2316 RINGSTAFF RD
LEANDER, TX 78641

LISA M GREEN & JOHN R OTERO
451 HIGH GABRIEL EAST
LEANDER, TX 78641

MICHAEL RAY CHAFFIN & RHONDA
LEE CHAFFIN
517 SWEETWOOD LN
LEANDER, TX 78641

SUSAN BESS WILSON
529 SWEETWOOD LN
LEANDER, TX 78641

KATHRYN BIENVENU TRUSTEE
425 CRESS ST
LAGUNA BEACH, CA 92651

ROGER WILLIAM HILL & MEGHAN
ELYSE HILL
613 SWEETWOOD LN
LEANDER, TX 78641

LAURA ELIZABETH BENNETT
2316 TWISTED WILLOW LN
LEANDER, TX 78641

BRYSON COMMUNITY ASSOCIATION
INC
CCMC 3800 N LAMAR BLVD STE 200
AUSTIN, TX 78756-0003

MARK MCILHERAN & CHERRI
MCILHERAN
501 HIGH GABRIEL EAST
LEANDER, TX 78641

TAMMY LYNN RADEN
521 SWEETWOOD LN
LEANDER, TX 78641

MBMB INVESTMENT TRUST
752 NELSON RANCH RD
CEDAR PARK, TX 78613

MASON ANDREW GRAY &
KARA ANN GRAY
605 SWEETWOOD LN
LEANDER, TX 78641

REID RUTHERFORD & BETH HUSAK
RUTHERFORD
2324 TWISTED WILLOW LN
LEANDER, TX 78641

AZAMAT MURZABAYEV & ALIYA
TUREKESHOVA MURZABAYEV
2313 RINGSTAFF RD
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 A PARCEL OF LAND FROM INTERIM SFR-1-B (SINGLE-FAMILY RURAL) TO 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 parcel of land being 1.59 acres, ±; being more particularly described in Exhibit "B"; and identified by tax identification number R474021; more particularly described in Instrument Number 2022050623 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 LC-2-B (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 20th day of October, 2022.
FINALLY PASSED AND APPROVED on this the 3rd day of November, 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

September 22, 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 p.m.

2. Roll Call

All Commissioners are present.

3. Director's report to the Planning & Zoning Commission on actions taken by the City Council at the September 15, 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

Chair Cosgrove stated Item 7 was pulled from consent and would be considered separately as part of the Regular Agenda.

6. Approval of Subdivision Case 20-FP-016 regarding Palmera Bluff Section 6 Final Plat on two parcels of land approximately 18 acres ± in size, more particularly described by Williamson Central Appraisal District parcels R032201 and R032200; generally located north of Palmera Bluff Sections 3 & 5, Leander, Williamson County, Texas.

7. Approval of Subdivision Case 22-PP-007 regarding Wildspring Subdivision Preliminary Plat on one parcel of land approximately 111.57 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District parcel R032112; generally located NW of the intersection of CR 177 and CR 175, Leander, Williamson County, Texas.

Motion made by Commissioner Ron May, seconded by Commissioner Deirdre Moss to approve the preliminary plat.

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

7 - 0 Passed

8. Approval of Minutes.

Motion made by Commissioner Hampton, Jr. to approve the consent agenda items 6 & 8, seconded by Commissioner Carpenter.

7 to 0 Passed

PUBLIC HEARING: ACTION

9. Conduct a Public Hearing regarding Special Use Case 22-SU-002 to allow for the temporary residential use of a travel trailer or recreational vehicle for use by owners while building permanent home on site; on one parcel of land approximately 4.72 acres $\pm$ in size, more particularly described by Travis Central Appraisal District Parcel 513800; and more commonly known as 13201 Vista Rock Drive, Leander, Travis County, Texas.

- Discuss and consider action regarding Special Use Permit Case 22-SU-002 as described above.

Motion made by Commissioner Laura Lantrip, seconded by Vice Chair Donnie Mahan to approve the special use.

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

7 - 0 Passed

10. Conduct a Public Hearing and consider action regarding Zoning Case 22-Z-022 to amend the current zoning of SFR-3-B (Single-Family Rural) to adopt the Moon Valley PUD (Planned Unit Development) with a base zoning district of LC-5-D (Local Commercial) on two parcels of land approximately 8.78 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R319362 and R031223; and more commonly known as 15841 Ronald W Reagan Blvd, Leander, Williamson County, Texas.

- Discuss and consider action regarding Zoning Case 22-Z-022 as described above.

Ray Hill, Kanav Bansal, Rita Flores and Maria Hill spoke against.

Emily Kaszczuk, Cunningham, Jeff Schmitt, Joby Strobo, Cynthia Cunningham, Loren Morgan,

Mandy Gegoux Rafael de Magalhaes Dreher, and Marie Cates positions were read into the record as against.

Jason Suchomel and Emily Kaszczuk are against and had their comments read into the record.

Motion made by Vice Chair Donnie Mahan, seconded by Commissioner Rick Carpenter to approve the zoning request with the condition that the permitted use are updated to limit the uses to Retail Nursery and associated goods and to remove C.

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

7 - 0 Passed

11. Conduct a Public Hearing regarding Zoning Case 22-Z-027 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to adopt the 50 High Gabriel Minor PUD (Planned Unit Development) with a base zoning of GC-3-A (General Commercial) on one parcel of land approximately 1.59 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R474021; and more commonly known as 50 High Gabriel East, Leander, Williamson County, Texas.

- Discuss and consider action regarding Zoning Case 22-Z-027 as described above.

Motion made by Vice Chair Donnie Mahan, seconded by Commissioner Laura Lantrip to approve the zoning request with the amended base zoning district of LC-2-A.

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

7 - 0 Passed

12. Conduct a Public Hearing and consider action regarding Zoning Case 22-Z-028 to amend the current zoning of T6 (Urban Core Zone) to adopt the Metro Way Medical Center PUD (Planned Unit Development) with the LC-2-A (Local Commercial) on one parcel of land approximately 4.37 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R573740; and generally located to the northeast S US 183 and Metro Dr., Leander, Williamson County, Texas.

- Discuss and consider action regarding Zoning Case 22-Z-028 as described above.

Motion made by Commissioner Ron May, seconded by Vice Chair Donnie Mahan to approve the zoning request.

Chair Cosgrove withdrew the motion.

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

NAY: Commissioner Laura Lantrip, Commissioner Rick Carpenter

5 - 2 Passed

Motion made by Commissioner Ron May, seconded by Vice Chair Donnie Mahan to approve the zoning request with the condition that the PUD notes corrected to include a 10' foot setback.

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

NAY: Commissioner Laura Lantrip, Commissioner Rick Carpenter

5 - 2 Passed

13. Conduct a Public Hearing and consider action regarding Zoning Case 22-Z-029 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to HC-4-D (Heavy Commercial) on two parcels of land approximately 9.111 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R031284 and R324449; and more commonly known as 2967 & 3005 Hero Way, Leander, Williamson County, Texas.
- Discuss and consider action regarding Zoning Case 22-Z-029 as described above.

Motion made by Commissioner Laura Lantrip, seconded by Commissioner Rick Carpenter to approve the zoning request.

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

7 - 0 Passed

REGULAR AGENDA

14. Discuss and consider action regarding Subdivision Case 22-PP-004 to approve the Bar W Ranch West Phases 10 and 11 Preliminary Plat on six parcels of land approximately 94.5 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R544598, R532728, R539735, R539738, R573683, R544612; generally located northeast of CR 267 and Bar W Ranch Blvd. Leander, Williamson County, Texas.

Motion made by Commissioner Ron May, seconded by Vice Chair Donnie Mahan to approve the preliminary plat.

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

7 - 0 Passed

15. Discuss and consider action on Tree Removal Case 22-TRP-006 regarding removal of a Significant Tree associated with the Brushy Creek Retail Floodplain Development Project, generally located at US 183 and Metro Dr. Leander, Williamson County, Texas.

Motion made by Commissioner Deirdre Moss, seconded by Commissioner Rick Carpenter to deny the Tree Removal request.

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

7 - 0 Passed

16. Discuss and consider action on the Planning & Zoning Commission Progress Report for September 2021 to August 2022.

Commissioners had discussion. No action was taken.

17. Adjournment at 8:37 p.m.

APPROVED:

CHAIRMAN COSGROVE

ATTEST:

ELLEN COUFAL
PLANNING & ZONING COMMISSION SECRETARY



EXECUTIVE SUMMARY
11/03/2022

AGENDA SUBJECT:

Approval of the Second Reading of an Ordinance regarding Special Use Case 22-SU-002 to allow for the temporary residential use of a travel trailer or recreational vehicle for use by owners while building permanent home on site; on one (1) parcel of land approximately 4.72 acres $\pm$ in size, more particularly described by Travis Central Appraisal District Parcel 513800; and more commonly known as 13201 Vista Rock Drive, Leander, Travis County, Texas.

BACKGROUND:

This request is the final step in the special use permit process. Staff recommends approval of this request. The request is consistent with the Comprehensive Plan and Composite Zoning Ordinance. The term of the special use permit is one (1) year and the applicant may request approval of extensions.

The Planning & Zoning Commission unanimously recommended approval of this request during the September 22, 2022 meeting.

HISTORY/TIMELINE:

09/22/2022 - Planning & Zoning Commission, 1st Public Hearing

10/20/2022 - City Council, 2nd Public Hearing

APPLICANT/AGENT:

Sondra Walker, property owner

RECOMMENDATION:

The City Council approved this request during the October 20, 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. Aerial Map
6. Letter of Intent
7. Conceptual Site Layout
8. Summary of Neighborhood Communication
9. Code Enforcement Case Information
10. Ordinance
11. P&Z Minutes



PLANNING ANALYSIS

SPECIAL USE PERMIT CASE 22-SU-002
13201 VISTA ROCK DRIVE

GENERAL INFORMATION

Owner/Agent: Sondra Walker

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

Proposed Use: Applicant is requesting a special use permit to allow for temporary occupation of RV.

Size and Location: The property is located at 13201 Vista Rock Drive and is approximately 4.72 acres.

Staff Contact: Cory Dale, Planner

APPLICANT REQUEST

Applicant is requesting a Special Use Permit per CZO Article IV, Section 2(13) to allow a temporary residential use of an RV until permanent home is built on site.

STAFF CONCLUSIONS

Y N

- ☒ ☐ Does the proposal comply with the intent statements of the Composite Zoning Ordinance? *see page 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

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, the temporary residential use of an RV is not currently a permitted use. This use is considered temporary and will need to meet the following standards:

- i. The lot, tract or parcel shall be at least 6,000 square feet in area;
- ii. The use of the travel trailer or recreational vehicle shall be limited to residential use by an individual constructing their own home in an SFR district for not more than a period of one year; or an ill, convalescent or otherwise disabled friend or relative needing care from the occupant of the primary residence, or a friend or relative providing necessary care for an ill, convalescent or otherwise disabled occupant of the primary residence. The need for care shall be documented by a letter from a physician;
- iii. No more than two (2) people may occupy the travel trailer or recreational vehicle;
- iv. The temporary unit may only be placed on a legal parcel with an existing primary residence except where the permanent residence is under construction as described in (ii) above;
- v. The temporary unit shall have an approved connection to a sanitary sewer system or septic system. The unit shall also have an approved connection to a public water system or well;
- vi. The temporary unit shall meet zoning setback requirements and shall be located no closer to a street than the front wall of the permanent residence;

- vii. The temporary unit shall be currently licensed as required by the State of Texas, have a valid state inspection and remain in a mobile condition;
- viii. The temporary unit shall not be considered a separate residential unit for the purpose of calculating impact fees;
- ix. The temporary unit shall not be rented or leased;
- x. If approved, an administrative permit for residential use of a travel trailer or recreational vehicle shall be obtained. Such permit shall expire one year from the date of issuance. Permits may be renewed annually in the discretion of the City Council. Permit and renewal applications shall be accompanied by a written statement signed by the applicant under penalty of perjury that the use will conform to the standards set forth in this subsection. Renewal applications shall be submitted prior to permit expiration and shall include an updated letter from a physician;
- xi. Within sixty (60) days of cessation of the temporary residential use, all occupancy of the unit shall cease, the unit shall be disconnected from all utilities and the unit shall be removed from the premises.

There is an active Code Enforcement Case on this site. The developer/land owner submits this request to bring the property under compliance with City codes. Staff recommends approval of this request.

SITE INFORMATION:

ABUTTING ZONING AND LAND USE:

	ZONING	LAND USE
NORTH	PUD	Residential (Travisso Subdivision)
EAST	PUD	Undeveloped (Travisso Subdivision)
SOUTH	Interim SFR-1-B	Undeveloped
WEST	Interim SFR-1-B	Residential

SURROUNDING AREA:

This property is bound to the north and east by the Travisso subdivision. To the south, across Vista Rock Drive, is approximately 20 acres of undeveloped land and to the west is large lot residential.

PHYSICAL AND NATURAL FEATURES:

This property is not located within a floodplain, contains heavy tree cover and is undeveloped.

MAJOR CORRIDORS:

This property takes access off Vista Rock Drive.

SUBDIVISIONS:

This tract has been platted as part of the Town of Leander Final Plat (Lots 1 – 4).

EXISTING UTILITIES:

This tract will have access to both water and sewer with the Travisso Phase 5, Section 1 Subdivision improvements which are currently under construction.

CURRENT LAND USES:

This property is currently undeveloped.

ZONING DISTRICT:

USE COMPONENT**SFR – SINGLE-FAMILY RURAL:**

Features: 1 acre lot min.; 1,600 square foot living area min.

Intent: Development of single-family detached dwellings on lots one acre or larger in size and for other uses that are compatible and complimentary to large lot and very low density residential development. The purpose of this component is to provide regulations to preserve rural character and maintain and protect the City's single-family residences and neighborhoods in an area with larger lot sizes. This component is also intended to preserve the larger tracts of land for future economic development in accordance with the Comprehensive Plan, while permitting rural/agricultural uses on the land to continue.

SITE COMPONENT**TYPE 1:**

Features: Accessory buildings greater of 5% of primary building or 120 sq. ft.; 150% of standard landscaping; pedestrian scale signage and lighting; scale of buildings limited; mansion style multi-family; at 100% of multi-family units are required to have at least one enclosed garage parking space; dumpster setbacks.

Intent:

- (1) The Type 1 site component is intended to be utilized typically for non-residential or multi-family developments that have frontage on a local residential street or residential collector street and are bounded by single-family development on at least one side. This component is also intended to be utilized for single-family and two-family residential lots backing up to or siding to a major thoroughfare.
- (2) This component ensures that development will not have site intensive uses or large buildings and will ensure that development is designed to a form and scale that is compatible with residential neighborhoods.

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.

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.

INTERGOVERNMENTAL/INTERDEPARTMENTAL REVIEW:

All applicable departments within the City of Leander reviewed this proposal. If the request is approved, the next step in the process would be to acquire appropriate residential permits.

SCHEDULE:

DEVELOPMENT MEETING

A development meeting was not required prior to this submittal.

NOTIFICATION

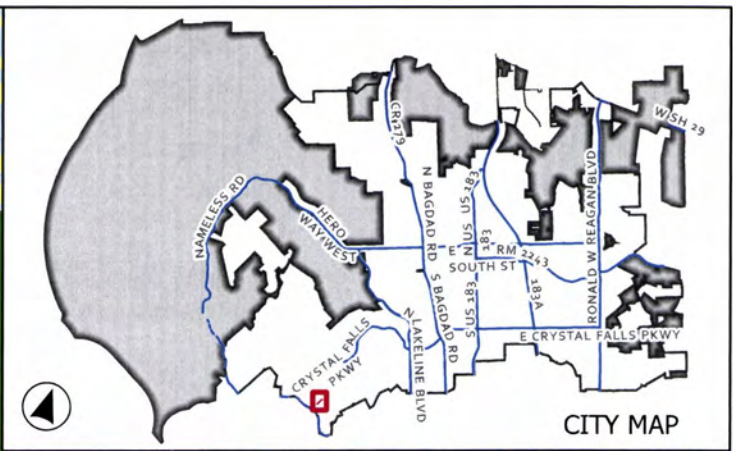
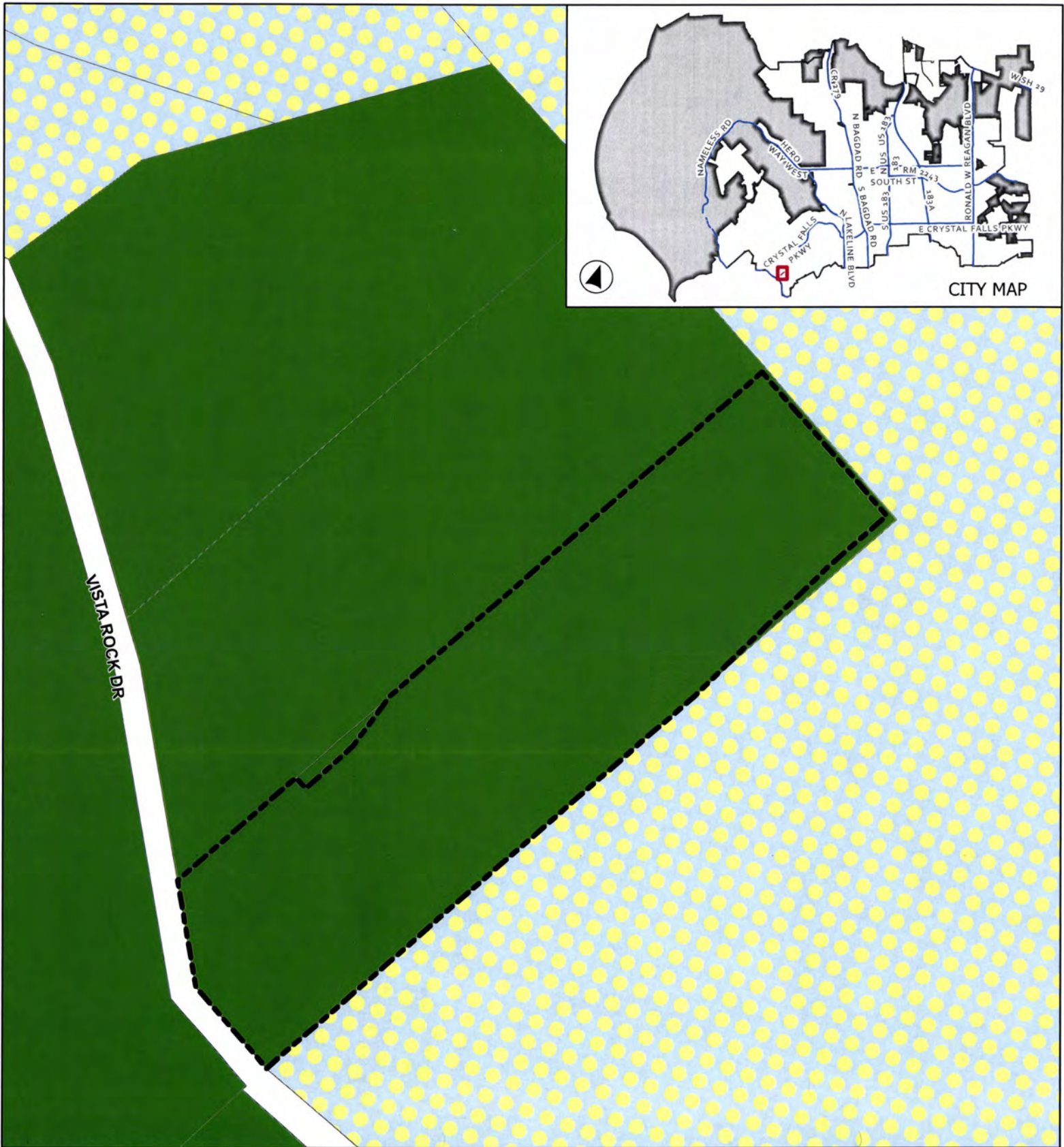
09/01/2022 - Public Notice on Hill Country News
09/07/2022 - Mail Notification to Property Owners within 200'
09/07/2022 - Public Hearing Signage Posted on Property
09/22/2022 - Planning and Zoning Commission Public Hearing
10/20/2022 - City Council Public Hearing & First Reading of the Ordinance
11/03/2022 - 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 was completed by the applicant and is included as attachment 8 in the packet.

APPROVAL CRITERIA:

This request remains consistent with both the future land use map designation of Neighborhood Residential and current zoning of Interim SFU-1-B. The proposed temporary residential use of an RV for property located at 13201 Vista Rock Drive keeps the existing residential character and would be compatible with the surrounding land uses. Please note, if the proposed RV use is approved a permit will be issued. Such permit will expire one year from issuance date. The permit may be renewed annually at the discretion of the City Council. Staff recommends approval of this request.



CASE: 22-SU-002

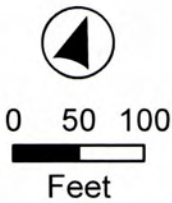
ATTACHMENT 2

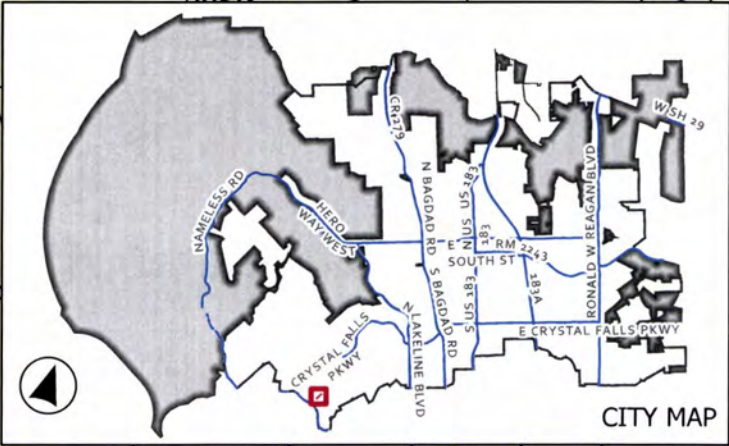
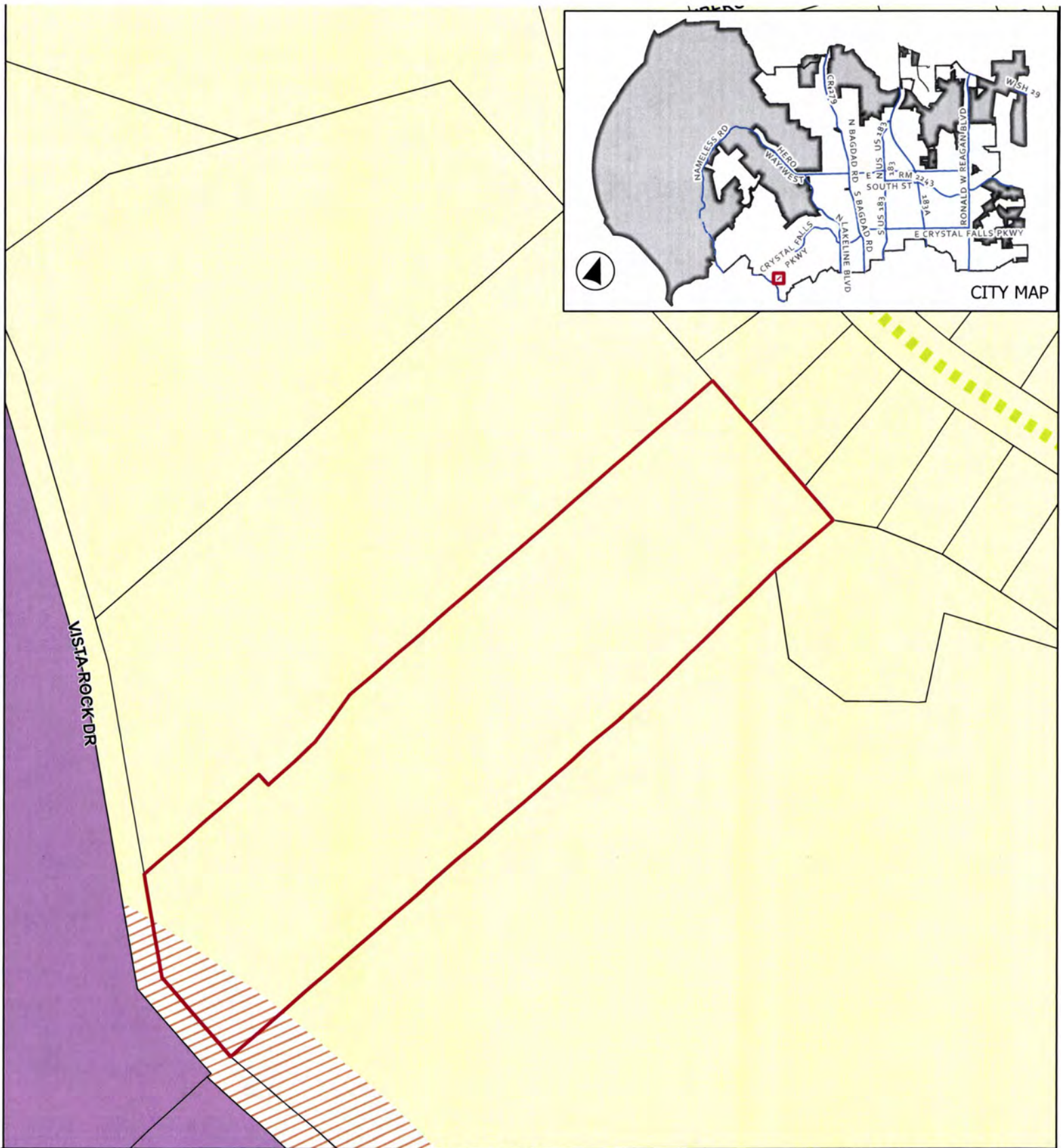
13201 VISTA ROCK DR

Current Zoning

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

- Leander City Limits
- ETJ
- Subject Area
- SFR - Single-Family Rural
- PUD - Single-Family





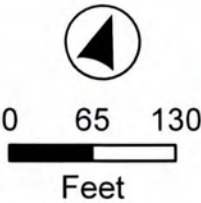
CASE: 22-SU-002

ATTACHMENT 3

13201 VISTA ROCK DR

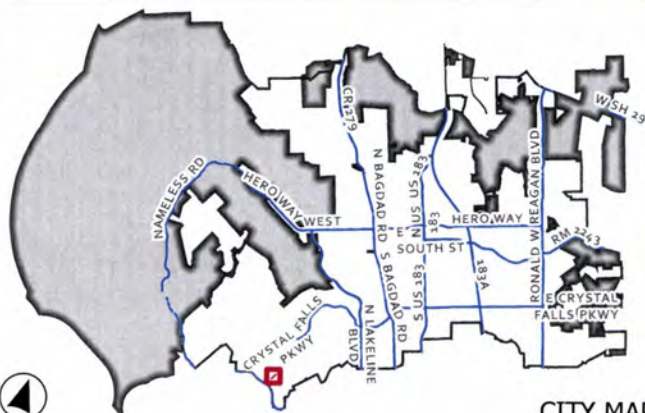
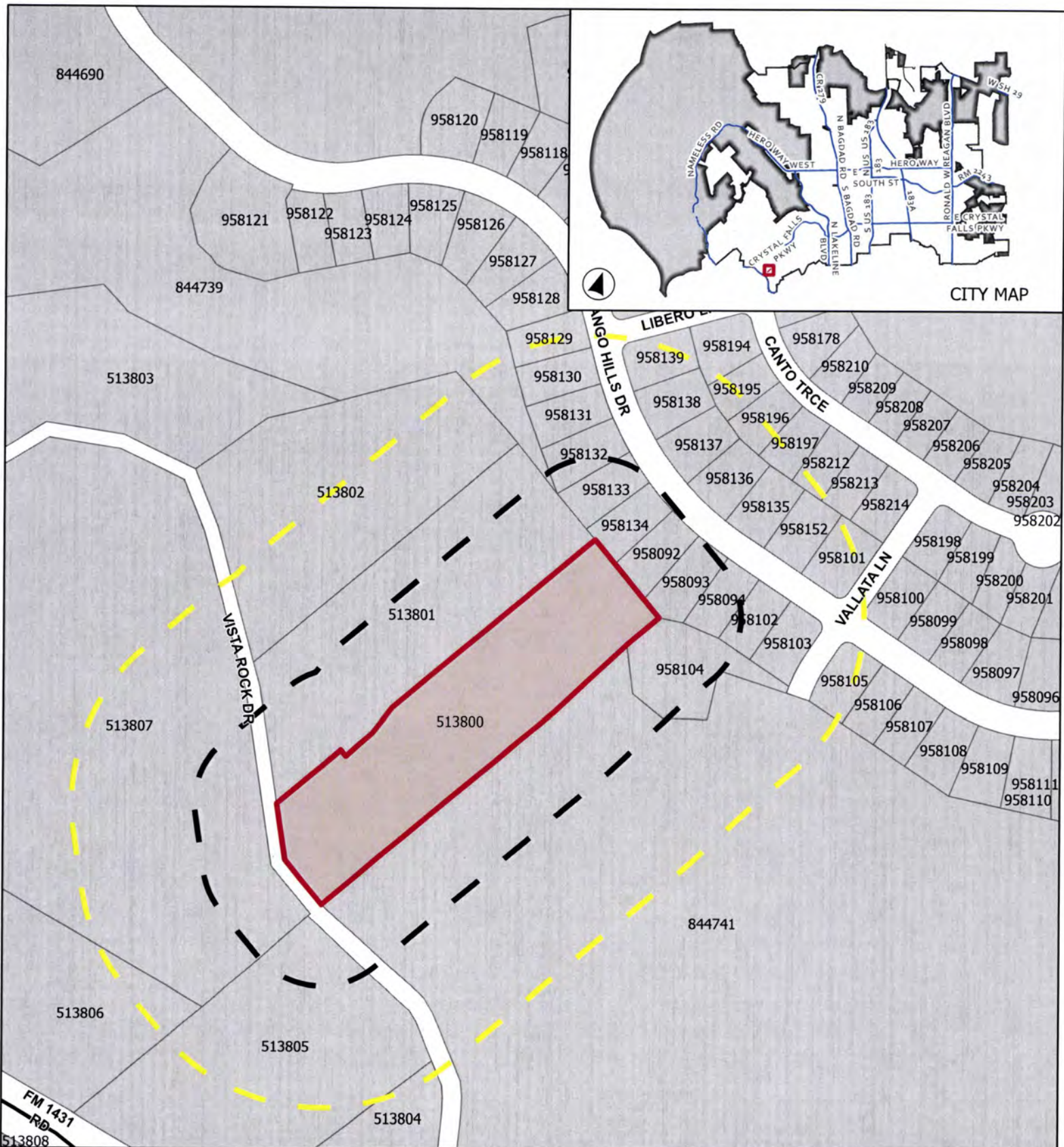
Future Land Use Map

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
- Collector, Proposed

- ## Future Land Use
- Neighborhood Residential
 - Multi-Use Corridor
 - Employment Center



CITY MAP

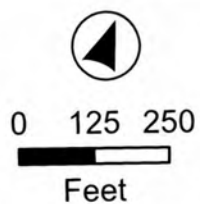
CASE: 22-SU-002

ATTACHMENT 4

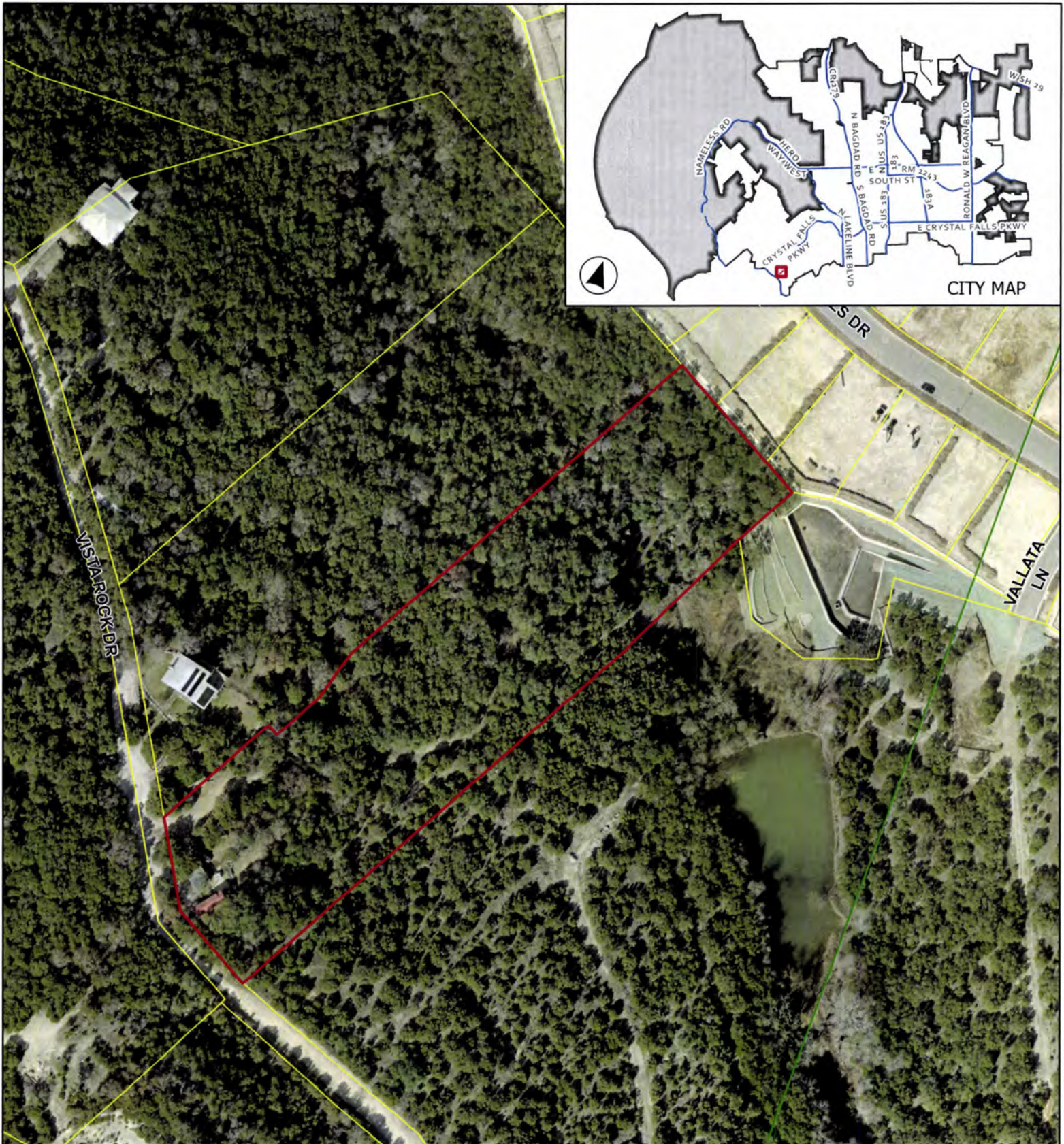
13201 VISTA ROCK DR

Public Notification

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- 200' Buffer
- 500' Buffer
- Leander City Limits
- ETJ
- Site Location



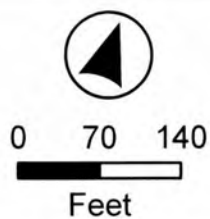
CASE: 22-SU-002

ATTACHMENT 5

13201 VISTA ROCK DR

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

Re: 13201 Vista Rock Dr
August 15, 2022

To Whom It May Concern,

My family and I were so excited to purchase 5 acres of beautiful hill country land in Leander this past September. While we do not currently live on the property, we look forward to being able to build a home on the property, and plan to get started soon. When we purchased the property, there was a mobile home (from the 1970s) in place that we intended to use in the interim while on the property until we were able to build. However, it became apparent that the cost to repair and restore the existing structure would be so great that it made more financial sense to replace it with a newer and more up to date structure. We purchased a little cabin and moved it in place of the old structure. I offer my most sincere apologies for not realizing that this was not allowed and not having proper permits. I'm now told that the only thing that can be permitted is a 1600 sq foot home on the 5 acre property.

Owner requests consideration for a Special Use Permit that would allow us to use the cabin (which is technically an RV) until the home is built. This would allow for shelter while visiting the property and working on the permanent residence. We have put a substantial amount of time and money into improving the property already and with the lack of many city services, will need to invest in a well and septic system. Once the home is built, we hope the little cabin can be considered an accessory building under your permitting rules. The owner acknowledges that the RV/Cabin placement is a temporary use by said owner while constructing a permanent residence on site. If approved, this temporary use shall expire within a period of one year from date of issuance with the renewal of the SUP allowable annually at the discretion of City Council.

Physical Description of the Property: 5 acres of rural hill country land, Cabin located near dirt road (Vista Rock Dr) at opposite end of long rectangular property from new development Travisso. Cabin not visible to Travisso property owners. See Conceptual Site Plan.

Please reference the following findings of fact regarding the RV SUP:

- i. Verify the lot, tract or parcel shall be at least 6,000 square feet in area;
Yes - the lot is 4.7 acres (204,732 sq ft)
- ii. The use of the travel trailer or recreational vehicle shall be limited to residential use
by an individual constructing their own home in an SFR district for not more than a period of
one year; or an ill, convalescent or otherwise disabled friend or relative needing care from
the occupant of the primary residence, or a friend or relative providing necessary care for an
ill, convalescent or otherwise described in (ii) above;
Yes as underlined above
- iii. No more than two (2) people may occupy the travel trailer or recreational vehicle;
No more than 2 people will occupy the RV

iv. The temporary unit may only be placed on a legal parcel with an existing primary residence except where the permanent residence is under construction as described in (ii) above;

Yes as underlined above

v. The temporary unit shall have an approved connection to a sanitary sewer system or septic system. The unit shall also have an approved connection to a public water system or well;

As part of the construction process we need to install a septic system and well, we do not have any city services. We plan to connect the RV once the well and septic are completed, but have halted all plans pending approval by the city.

vi. The temporary unit shall meet zoning setback requirements and shall be located no closer to a street than the front wall of the permanent residence

There is no permanent residence on the property as it has yet to be constructed. It meets the setbacks today as required by current zoning. If all goes as planned, the site of the permanent residence should be slightly closer to the dirt road than the RV/Cabin.

vii. The temporary unit shall be currently licensed as required by the State of Texas, have a valid state inspection and remain in a mobile condition;

I spoke with an RV inspector and there is no state inspection requirement on this type of park model RV. See attached RV/Cabin documents for the title document. RV is currently anchored, but can be mobilized again and towed as a trailer by reattaching wheels.

viii. The temporary unit shall not be rented or leased;

Unit will not be rented or leased.

I truly appreciate your consideration in this matter, and we look forward to our family contributing positively to the community of Leander, Texas.

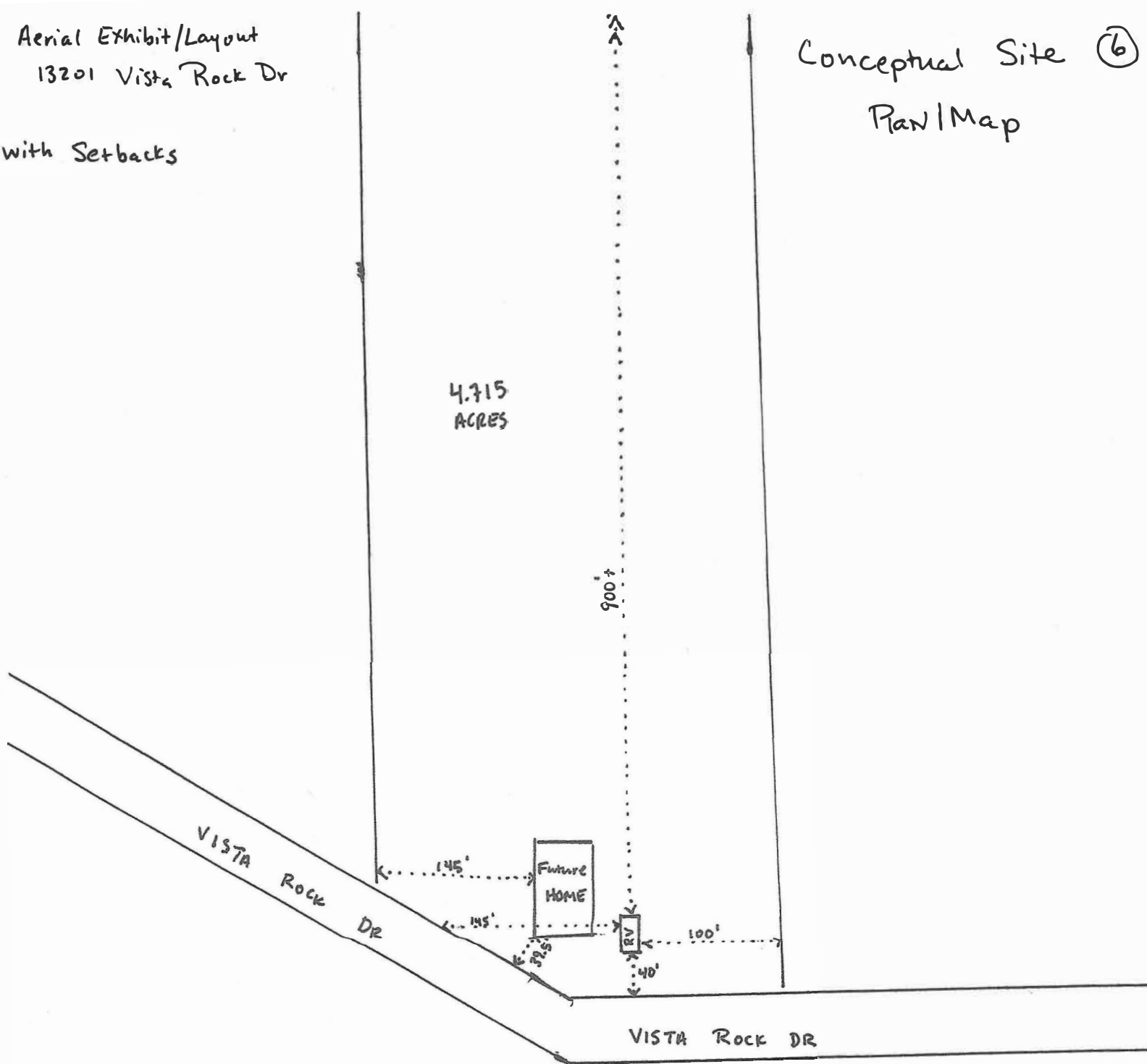
Sincerely,

Sondra Walker
sondra.b.walker@gmail.com
254-624-7774

Aerial Exhibit/Layout
13201 Vista Rock Dr

with Setbacks

Conceptual Site ⑥
Plan/Map



NOTE: The owner acknowledges that the RV/Cabin placement is a temporary use by said owner while constructing a permanent residence on site. If approved, this temporary use shall expire within a period of one year from date of issuance with the renewal of the SUP allowable annually at the discretion of City Council.


S. Walker

STAFF NOTE: The applicant is using the term RV/Cabin, staff recognizes this term to also mean a the temporary residential use of an RV.

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.

Attached Flyer mailed to property owners listed on TCAD
Most of the land is undeveloped/commercial
Our residential neighbors were notified by mail and in person and are supportive
There are lots, residential, under construction within 500 ft of the back border of our property that were notified by mail but they are 2500ft by far from the cabin itself.

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

Property owners within 500 ft of property lines
→ see attached list 2b

3. What concerns were raised during these communications?

No Concerns

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: _____

Date

7.9.22

Save Our Cabin

13201 Vista Rock Dr



Hello Neighbors!

We are the Walker Family and we purchased 5 acres of beautiful wooded hill country land here in Leander about a year ago and have been working hard to improve the property! We moved a little cabin out to the land not realizing it did not conform to the property's current zoning restrictions. We are working with the planning committee to get a Special Use Permit to keep the cabin, and as part of that are required to notify our neighbors. We do live offsite and hope to build our dream home on the property. Those of you we haven't met, we look forward to meeting you soon! The cabin, while adorable and modern, isn't visible to any of you except our direct next door neighbor. There will be a public hearing at some point that you can attend if you're so inclined. Thanks for reading, and if you have any questions or concerns or you'd like to drop by sometime, shoot me a text!

Sondra Walker

Cell: 254.624.7774

Email: sondra.b.walker@gmail.com

Property Address:
13201 Vista Rock Dr
Leander, TX 78641

Warmly,

Sondra Walker

Save Our Cabin 13201 Vista Rock Dr



View of Cabin from
Durango Hills Dr in
Travisso - can't see it at
all



Hello Neighbors!

We are the Walker Family
wooded hill country
been working hard to
out to the land not
current zoning rest
committee to get a S
of that are requir
hope to build
haven't m
adora
de

Sondra Walker

Cell: 254.624.7774

Email: sondra.b.walker@gmail.com

Property Address:
13201 Vista Rock Dr
Leander, TX 78641

Miri Seyed & Majid Hemmasi
PO Box 16401
Austin, Tx 78761



26

Name	Situs Address	Address	City, State, Zip	Distance	Parcel ID
COOK DONALD JR & SUSAN	13209 VISTA ROCK DR	13209 VISTA ROCK DR	LEANDER TX 78641	200	513801
COOK ALTON ALAN & MARY ELIZABETH	13233 VISTA ROCK DR TX 78641	552 RABBIT RUN RD	ARKANSAS PASS TX 78336	500	513802
SAEED M A & ZAMURRAD	F M RD 1431 TX 78641	3008 NORMANDY DR	MCKINNEY TX 75070	200	513807
SAEED M A & ZAMURRAD	F M RD 1431 TX 78641	3008 NORMANDY DR	MCKINNEY TX 75070	500	513806
MIRI SEYED & MAJID HEMMASI	F M RD 1431 TX 78641	PO BOX 16401	AUSTIN TX 78761	200	513805
TRAVISSO LTD	WHITETAIL PASS TX 78641	1816 MURANO LANE	LEANDER TX 78641	200	844741
TRAVISSO LTD	VALLATA LN 78613	1816 MURANO LANE	LEANDER TX 78641	200	958104
TOLL AUSTIN TX I LLC	DURANGO HILLS DR 78613	2557 SW GRAPEVINE PKWT SUITE 100	GRAPEVINE TX 76051	200	958092
TOLL AUSTIN TX I LLC	DURANGO HILLS DR 78613	2557 SW GRAPEVINE PKWT SUITE 100	GRAPEVINE TX 76051	200	958134
TAYLOR MORRISON OF TEXAS INC	DURANGO HILLS DR 78613	810 HESTERS CROSSING RD STE 235	ROUND ROCK TX 78681	200	958132
TAYLOR MORRISON OF TEXAS INC	DURANGO HILLS DR 78613	810 HESTERS CROSSING RD STE 235	ROUND ROCK TX 78681	200	958133
TAYLOR MORRISON OF TEXAS INC	DURANGO HILLS DR 78613	810 HESTERS CROSSING RD STE 235	ROUND ROCK TX 78681	200	958093
TAYLOR MORRISON OF TEXAS INC	DURANGO HILLS DR 78613	810 HESTERS CROSSING RD STE 235	ROUND ROCK TX 78681	200	958094

2c

TO

Donald and Susan Cook

13209 Vista Rock Dr

Leander, TX 78641

Travisso LTD

1816 Murano Ln

Leander, TX 78641

TO

Alan and Liz Cook

13233 Vista Rock Dr

Leander, TX 78641

Toll Austin TX I LLC

2557 SW Grapevine Pkwy

Suite 100

Grapevine, TX 76051

TO

Miri Seyed and Majid Hemmasi

PO Box 16401

Austin, TX 78761

Taylor Morrison of Texas Inc

10 Hesters Crossing Rd

STE 235

Round Rock, TX 78681

TO

Saeed MA and Zamurrad

3008 Normandy Dr

McKinney, TX 75070

Code Enforcement Case

There is an active code enforcement case, and we have been working with code enforcement officer Tonnia Gibbs, who has been actively monitoring our work with the planning department.

Code Enforcement Case Number: CE-22-6239

We moved the Cabin model RV out to our property after building a pad and retaining wall, had an electrical rack built, trenching for electrical done, transformer moved by Pedernales electric, and never knew this structure wasn't allowed until we went through the final steps with the city to get the electricity connected. We immediately started working with the city to rectify the situation.

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING THE ZONING ORDINANCE BY APPROVING A SPECIAL USE PERMIT TO ALLOW FOR THE TEMPORARY RESIDENTIAL USE OF A TRAVEL TRAILER OR RECREATIONAL VEHICLE FOR USE WHILE THE PRIMARY STRUCTURE IS UNDER CONSTRUCTION; AND A TIME FRAME OF ONE (1) YEAR; 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 4.72 acres, more or less, located in Leander, Travis County, being more particularly described in Exhibit "A", and addressed as 13201 Vista Rock Drive, more particularly described in Document Number 2021212378, Official Public Records of Travis County, Texas, and identified by tax identification number 513800.

SECTION 4. Special Use Permit. The Special Use Permit is hereby approved to allow temporary residential use of a travel trailer or recreational vehicle while the primary structure is under construction conceptually shown in Exhibit "B". The term of this permit shall be limited to a time frame of one (1) year. Within sixty (60) days of cessation of the temporary use, all occupancy of the unit shall cease, the unit shall be disconnected from all utilities and the unit shall be removed from the premises.

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 20th of October, 2022.

FINALLY PASSED AND APPROVED on this the 3rd day of November, 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

September 22, 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 p.m.

2. Roll Call

All Commissioners are present.

3. Director's report to the Planning & Zoning Commission on actions taken by the City Council at the September 15, 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

Chair Cosgrove stated Item 7 was pulled from consent and would be considered separately as part of the Regular Agenda.

6. Approval of Subdivision Case 20-FP-016 regarding Palmera Bluff Section 6 Final Plat on two parcels of land approximately 18 acres ± in size, more particularly described by Williamson Central Appraisal District parcels R032201 and R032200; generally located north of Palmera Bluff Sections 3 & 5, Leander, Williamson County, Texas.

7. Approval of Subdivision Case 22-PP-007 regarding Wildspring Subdivision Preliminary Plat on one parcel of land approximately 111.57 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District parcel R032112; generally located NW of the intersection of CR 177 and CR 175, Leander, Williamson County, Texas.

Motion made by Commissioner Ron May, seconded by Commissioner Deirdre Moss to approve the preliminary plat.

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

7 - 0 Passed

8. Approval of Minutes.

Motion made by Commissioner Hampton, Jr. to approve the consent agenda items 6 & 8, seconded by Commissioner Carpenter.

7 to 0 Passed

PUBLIC HEARING: ACTION

9. Conduct a Public Hearing regarding Special Use Case 22-SU-002 to allow for the temporary residential use of a travel trailer or recreational vehicle for use by owners while building permanent home on site; on one parcel of land approximately 4.72 acres $\pm$ in size, more particularly described by Travis Central Appraisal District Parcel 513800; and more commonly known as 13201 Vista Rock Drive, Leander, Travis County, Texas.

- Discuss and consider action regarding Special Use Permit Case 22-SU-002 as described above.

Motion made by Commissioner Laura Lantrip, seconded by Vice Chair Donnie Mahan to approve the special use.

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

7 - 0 Passed

10. Conduct a Public Hearing and consider action regarding Zoning Case 22-Z-022 to amend the current zoning of SFR-3-B (Single-Family Rural) to adopt the Moon Valley PUD (Planned Unit Development) with a base zoning district of LC-5-D (Local Commercial) on two parcels of land approximately 8.78 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R319362 and R031223; and more commonly known as 15841 Ronald W Reagan Blvd, Leander, Williamson County, Texas.

- Discuss and consider action regarding Zoning Case 22-Z-022 as described above.

Ray Hill, Kanav Bansal, Rita Flores and Maria Hill spoke against.

Emily Kaszczuk, Cunningham, Jeff Schmitt, Joby Strobo, Cynthia Cunningham, Loren Morgan,

Mandy Gegoux Rafael de Magalhaes Dreher, and Marie Cates positions were read into the record as against.

Jason Suchomel and Emily Kaszczuk are against and had their comments read into the record.

Motion made by Vice Chair Donnie Mahan, seconded by Commissioner Rick Carpenter to approve the zoning request with the condition that the permitted use are updated to limit the uses to Retail Nursery and associated goods and to remove C.

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

7 - 0 Passed

11. Conduct a Public Hearing regarding Zoning Case 22-Z-027 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to adopt the 50 High Gabriel Minor PUD (Planned Unit Development) with a base zoning of GC-3-A (General Commercial) on one parcel of land approximately 1.59 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R474021; and more commonly known as 50 High Gabriel East, Leander, Williamson County, Texas.

- Discuss and consider action regarding Zoning Case 22-Z-027 as described above.

Motion made by Vice Chair Donnie Mahan, seconded by Commissioner Laura Lantrip to approve the zoning request with the amended base zoning district of LC-2-A.

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

7 - 0 Passed

12. Conduct a Public Hearing and consider action regarding Zoning Case 22-Z-028 to amend the current zoning of T6 (Urban Core Zone) to adopt the Metro Way Medical Center PUD (Planned Unit Development) with the LC-2-A (Local Commercial) on one parcel of land approximately 4.37 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R573740; and generally located to the northeast S US 183 and Metro Dr., Leander, Williamson County, Texas.

- Discuss and consider action regarding Zoning Case 22-Z-028 as described above.

Motion made by Commissioner Ron May, seconded by Vice Chair Donnie Mahan to approve the zoning request.

Chair Cosgrove withdrew the motion.

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

NAY: Commissioner Laura Lantrip, Commissioner Rick Carpenter

5 - 2 Passed

Motion made by Commissioner Ron May, seconded by Vice Chair Donnie Mahan to approve the zoning request with the condition that the PUD notes corrected to include a 10' foot setback.

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

NAY: Commissioner Laura Lantrip, Commissioner Rick Carpenter

5 - 2 Passed

13. Conduct a Public Hearing and consider action regarding Zoning Case 22-Z-029 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to HC-4-D (Heavy Commercial) on two parcels of land approximately 9.111 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R031284 and R324449; and more commonly known as 2967 & 3005 Hero Way, Leander, Williamson County, Texas.
- Discuss and consider action regarding Zoning Case 22-Z-029 as described above.

Motion made by Commissioner Laura Lantrip, seconded by Commissioner Rick Carpenter to approve the zoning request.

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

7 - 0 Passed

REGULAR AGENDA

14. Discuss and consider action regarding Subdivision Case 22-PP-004 to approve the Bar W Ranch West Phases 10 and 11 Preliminary Plat on six parcels of land approximately 94.5 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R544598, R532728, R539735, R539738, R573683, R544612; generally located northeast of CR 267 and Bar W Ranch Blvd. Leander, Williamson County, Texas.

Motion made by Commissioner Ron May, seconded by Vice Chair Donnie Mahan to approve the preliminary plat.

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

7 - 0 Passed

15. Discuss and consider action on Tree Removal Case 22-TRP-006 regarding removal of a Significant Tree associated with the Brushy Creek Retail Floodplain Development Project, generally located at US 183 and Metro Dr. Leander, Williamson County, Texas.

Motion made by Commissioner Deirdre Moss, seconded by Commissioner Rick Carpenter to deny the Tree Removal request.

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

7 - 0 Passed

16. Discuss and consider action on the Planning & Zoning Commission Progress Report for September 2021 to August 2022.

Commissioners had discussion. No action was taken.

17. Adjournment at 8:37 p.m.

APPROVED:

CHAIRMAN COSGROVE

ATTEST:

ELLEN COUFAL
PLANNING & ZONING COMMISSION SECRETARY



EXECUTIVE SUMMARY
11/03/2022

AGENDA SUBJECT:

Approval of the Second Reading of an Ordinance regarding Zoning Case 22-Z-028 to amend the current zoning of T6 (Urban Core Zone) to adopt the Metro Way Medical Center PUD (Planned Unit Development) with the LC-2-A (Local Commercial) on one (1) parcel of land approximately 4.37 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R573740; and generally located to the northeast South US 183 and Metro Drive, Leander, Williamson County, Texas.

BACKGROUND:

This request is the final step in the zoning process. Staff recommends approval of this request. The request is consistent with the Comprehensive Plan, Composite Zoning Ordinance, and the ordinance adopted by the Council to allow for developments to be removed from the TOD. In this situation, the property has natural challenges that make strict compliance with the TOD requirements as well as the zoning setbacks difficult. The floodplain/greenway divides the property from the TOD and pushes the developable area closer to Metro Drive. In addition, there was a typo in the PUD notes that required a fifteen (15')- foot setback. The Commission recommended approval of the correction to a ten (10')- foot setback.

The Planning & Zoning Commission recommended approval of this request with the corrected setbacks during the September 22, 2022 meeting with a 5-2 vote (Commissioners Lantrip and Carpenter opposing). Commissioners Lantrip and Carpenter opposed this request because they were concerned about the impacts on the Northline Development and remainder of the TOD since this is an entrance to the area.

HISTORY/TIMELINE:

09/22/2022 - Planning & Zoning Commission, 1st Public Hearing
10/20/2022 - City Council, 2nd Public Hearing

APPLICANT/AGENT:

Goode Faith Engineering (Anthony Goode) behalf of Transit Village Investments, Ltd (Lance Hughes and Jeff Musgrove).

RECOMMENDATION:

The City Council approved the request during the October 20, 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. Minor PUD Notes

8. Letter of Intent
9. Neighborhood Outreach
10. Ordinance
11. P&Z Minutes



PLANNING ANALYSIS

ZONING CASE 22-Z-028 METRO WAY MEDICAL CENTER MINOR PUD

GENERAL INFORMATION

Owner/Agent:	Goode Faith Engineering (Anthony Goode) behalf of Transit Village Investments, Ltd (Lance Hughes and Jeff Musgrove).
Current Zoning:	T6 (Urban Core Zone)
Proposed Zoning:	Metro Way Medical Center Minor PUD (Planned Unit Development) with the following base zoning district: LC-2-A (Local Commercial)
Size and Location:	The property is located to the northeast S US 183 and Metro Dr., including approximately 4.37 acres.
Staff Contact:	Michael Chenausky, AICP, Senior Planner

APPLICANT REQUEST

The applicant has submitted a request to change the designated zoning district of their property in order to develop the property under the Composite Zoning Ordinance.

STAFF CONCLUSIONS

Y N

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

SPECIAL CONSIDERATIONS

On 03/05/2020 City Council approved Ordinance 20-014-00 which allowed land owners within the Transit Oriented Development District to apply for zoning under the Composite Zoning Ordinance.

The Comprehensive Plan lists appropriate and use types in the Greenways Future Land Use category as institutional or other, with other referring to storm water facilities. However the Greenway land use category is not limited to one area, and roughly aligns with the floodplain following creeks, rivers and other drainage areas across the City. Because of this large area, the Comprehensive Plan lists all zoning districts as suitable within the Greenway.

This property is located at the intersection of an arterial and collector class roadway. Commercial uses are appropriate at this location.

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

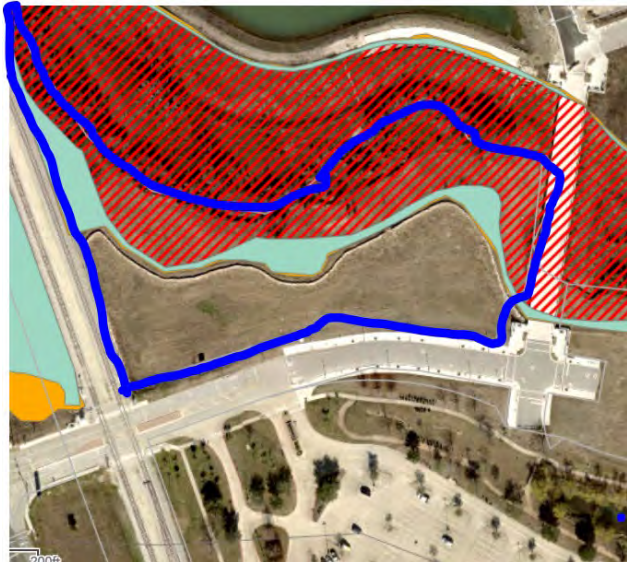
	ZONING	LAND USE
NORTH	Civic Space, Northline PUD	Under construction mixed-use development
EAST	Civic Space, Northline PUD	Under construction mixed-use development
SOUTH	T6 (Urban Core Zone)	Cap Metro Station
WEST	GC-3-C	US 183, Train Station

SURROUNDING AREA:

This property is located just north of the Cap Metro Station and east of US 183 and the train tracks. The property is southwest of the Northline development and accessible by bridge along Metro Dr.

PHYSICAL AND NATURAL FEATURES:

The northern portion of this tract is within the floodway.

**PROPERTY HISTORY:**

This property was annexed into the City of Leander on July 16, 1997.

PREVIOUS ZONING CASES:

The following zone cases were previously submitted for this property:

- Zoning Case 05-Z-006 requested a zone change to T6 Urban Core Zone as part of the Transit Oriented Development and was approved on 09/22/2005.

MAJOR CORRIDORS:

This property has access onto Metro Dr.

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
Metro Drive	Collector	Commercial corridor	74' ROW 4 lane 6' sidewalk

SUBDIVISIONS:

The following subdivision cases were previously submitted for this property:

- San Gabriel Park Subdivision plat was recorded on 05/18/2004.

EXISTING UTILITIES:

This property has access to water and wastewater utilities.

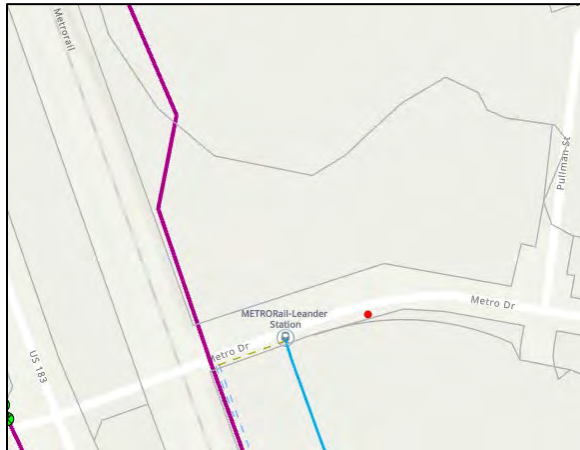


Figure 1 Waterline

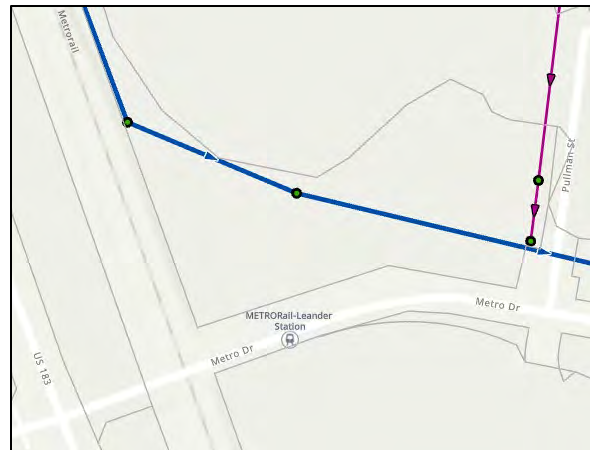


Figure 2 Wastewater line

CURRENT LAND USES:

This property is currently undeveloped

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

ARCHITECTURAL COMPONENT**TYPE A:**

Features: 5 or more architectural features.

Intent:

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

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

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

Applicable Future Land Use categories**GREENWAYS**

- The Greenways future development category contains active and passive parkland, trails, and open spaces that have been designated for public use. Greenways are linear parks that serve multiple purposes, including connecting the community and managing stormwater impacts. These spaces are also critical to providing green spaces amidst urban development, for the outdoor enjoyment of residents and workers while connecting public (and private) parks and amenities.

A Leander Greenways network is a framework for a regional destination for people looking for trail activities, a cycling loop system, and active transportation routes to employment centers. From a community perspective, greenways are opportunities for placemaking, including art, historical elements, civic spaces, and wildlife viewing.

Development adjacent to the greenway system should primarily be oriented towards the green space, with buildings fronting public paths, parkway streets providing access, and a public relationship between the greenway corridor and adjacent private development. Trail connections should be made frequently to adjacent developments to provide access.

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 07/18/2022. The following changes were made to the project since the development meeting was held:

- No Changes

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

- No relevant changes.

NOTIFICATION

09/01/2022 - Public Notice on Hill Country News
09/07/2022 - Mail Notification to Property Owners within 200'
09/07/2022 - Public Hearing Signage Posted on Property
09/22/2022 - Planning and Zoning Commission Public Hearing
10/20/2022 - City Council Public Hearing & First Reading of the Ordinance
11/03/2022 - 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.

Notification letters were sent to property owners within 200', no Single-Family properties were within the 500' notification boundary.

- No concerns noted.

The following changes were made to address issues discussed.

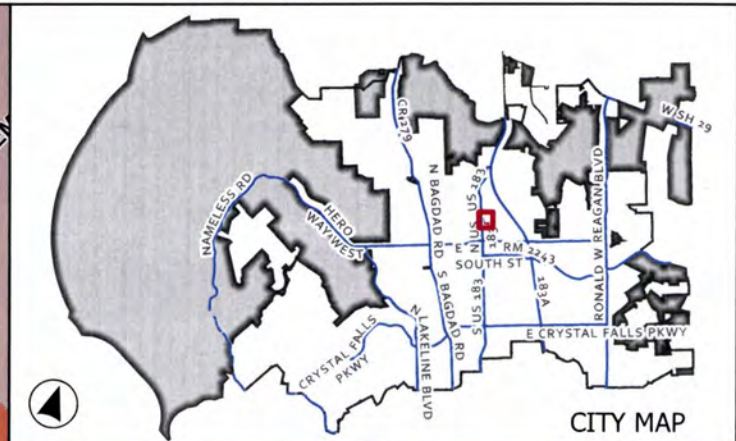
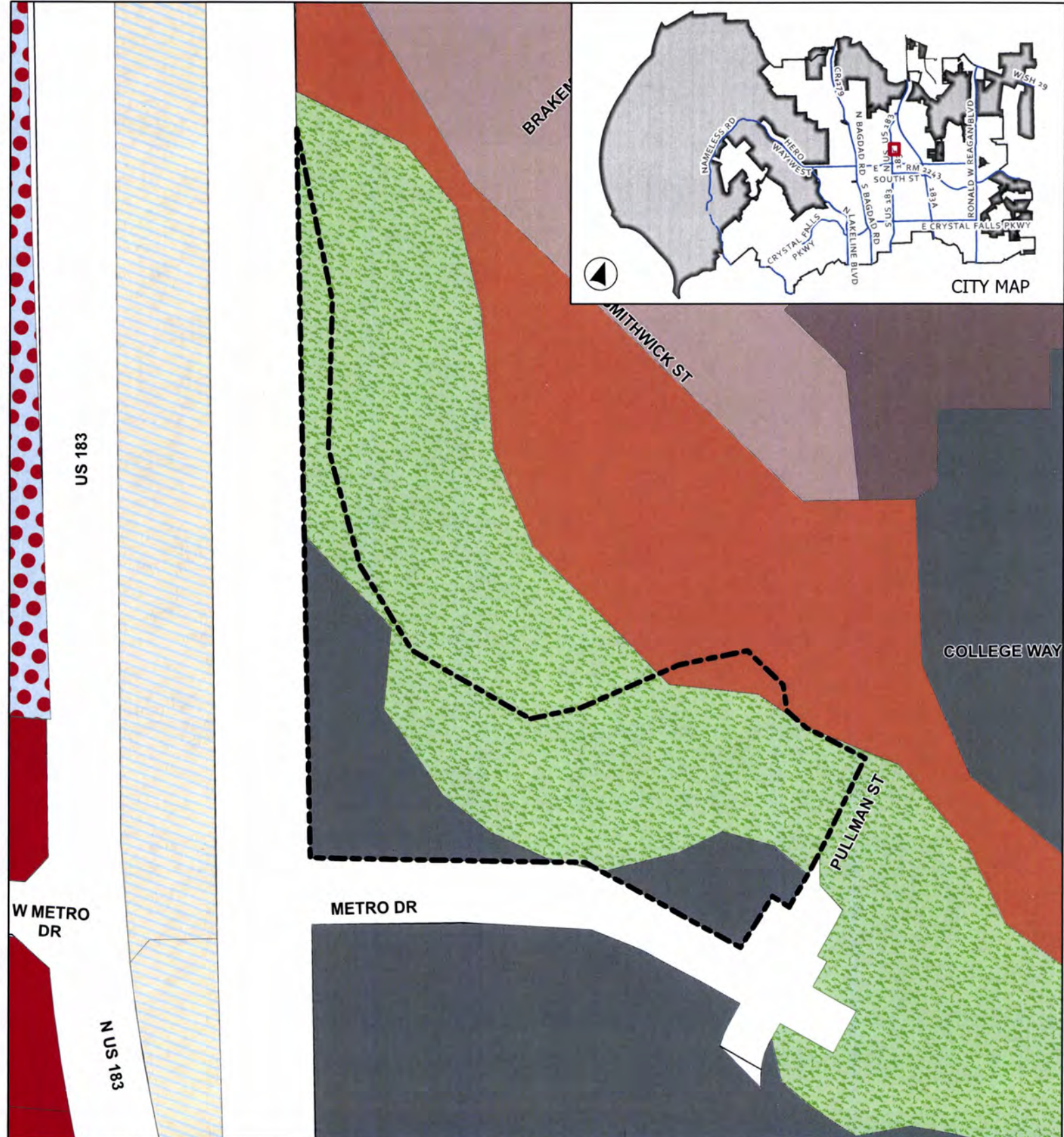
- No changes.

Please see the full report from the applicant attached.

APPROVAL CRITERIA:

This property is uniquely situated to the north east of Metro Dr. and US. 183 between the Cap Metro Station and the Northline Development. The property is adjacent to the intersection of an Arterial and Collector class roadway which lends itself to commercial development.

This Minor Planned Unit Development includes a requested waiver for reduced front setback from 30 ft. to 15 ft.

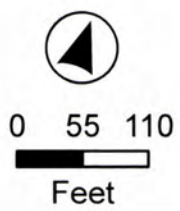


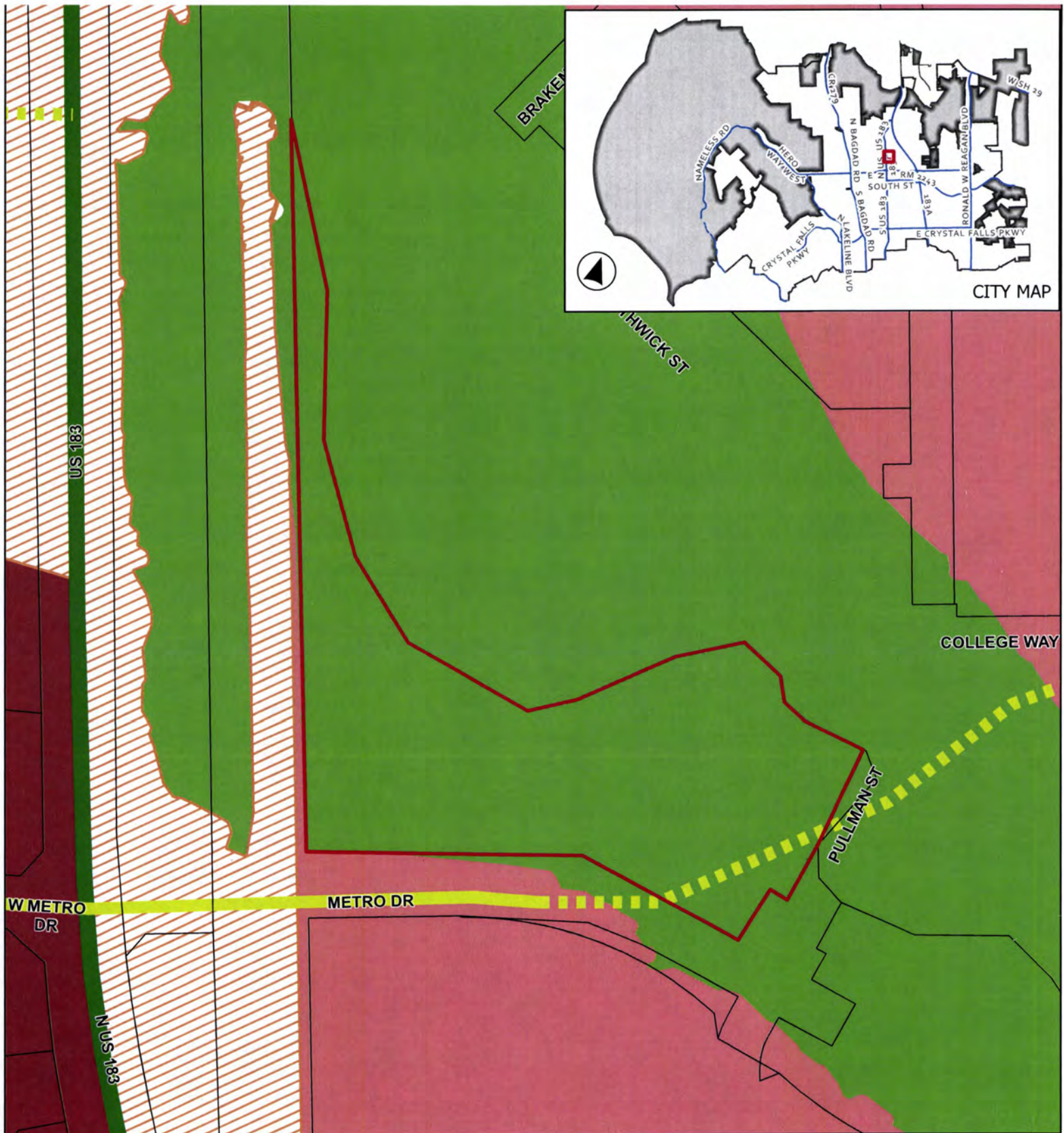
CASE: 22-Z-028 ATTACHMENT 2 METRO WAY MEDICAL CENTER

Current Zoning

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

- | | |
|--------------------------|--------------------------|
| Leander City Limits | CD - Conventional Sector |
| ETJ | Civic Building |
| Subject Area | T4 - Genral Urban |
| GC - General Commercial | T5 - Urban Center |
| PUD - General Commercial | T6 - Urban Core |
| OS - Open Space | |





Future Land Use Map

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0 70 140

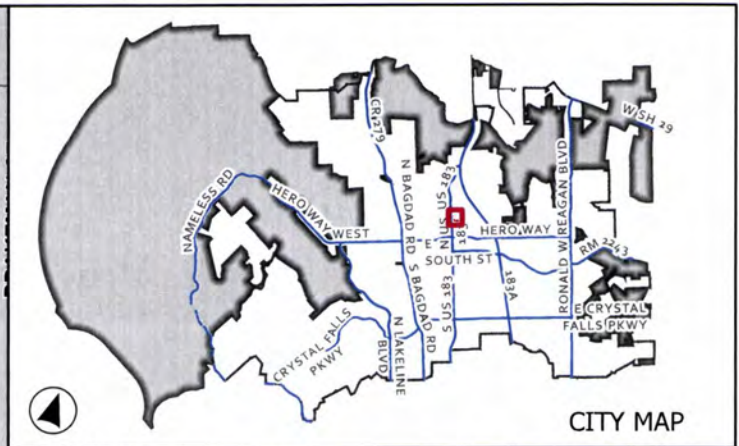
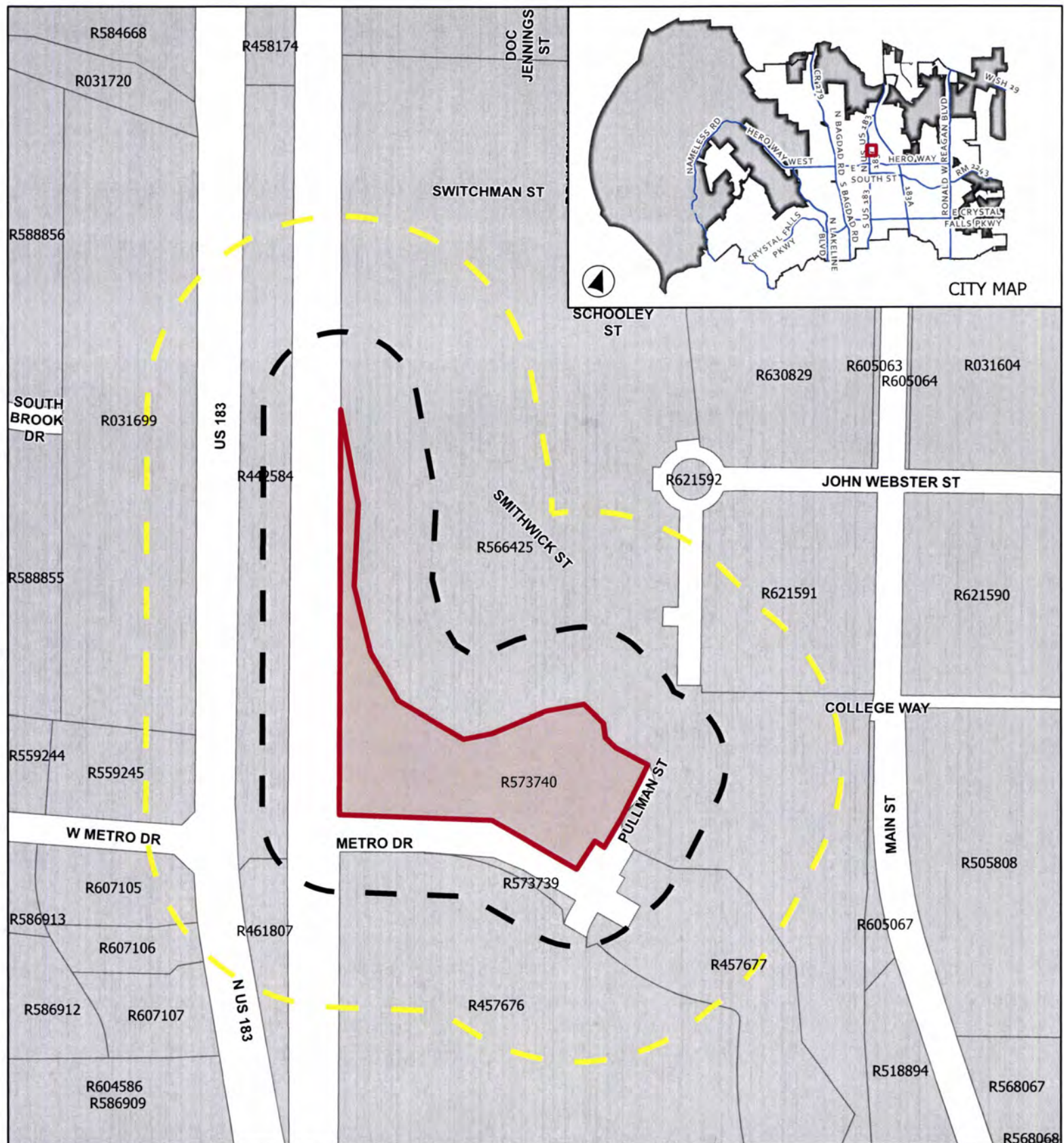


Feet

- Leander City Limits
- Leander ETJ
- Subject Area
- Arterial 6 Lane, Existing
- Collector, Existing
- Collector, Proposed

Future Land Use

- Multi-Use Corridor - Priority Corridor
- Activity Center
- Leander Central
- Greenway



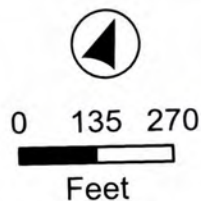
CASE: 22-Z-028

ATTACHMENT 4

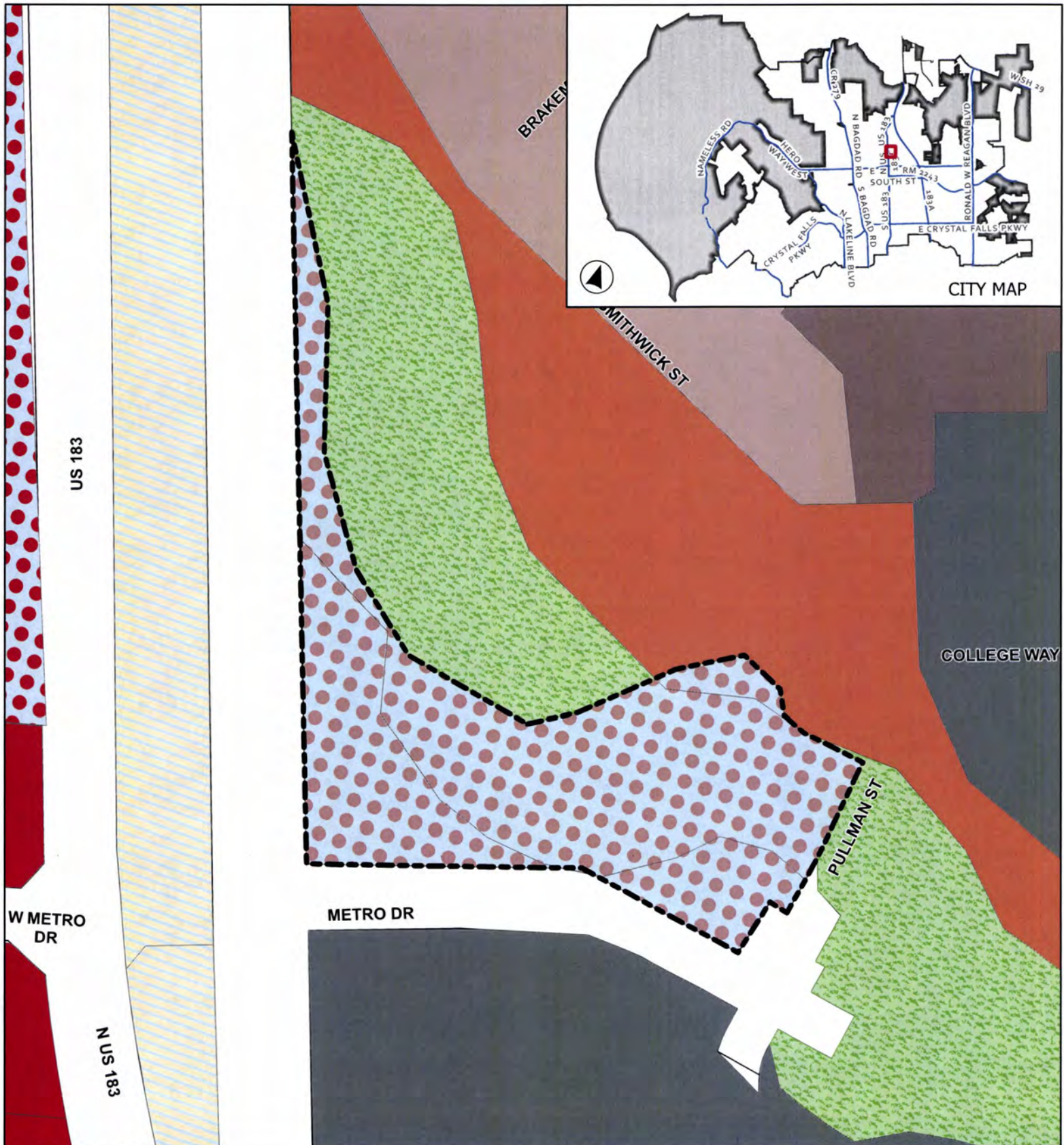
METRO WAY
MEDICAL CENTER

Public Notification

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- 200' Buffer
- 500' Buffer
- Leander City Limits
- ETJ
- Site Location



CASE: 22-Z-028

ATTACHMENT 5

METRO WAY
MEDICAL CENTER

Proposed Zoning

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Leander City Limits

ETJ

Subject Area

GC - General Commercial

PUD - Local Commercial

PUD - General Commercial

OS - Open Space

CD - Conventional Sector

Civic Building

T4 - Genral Urban

T5 - Urban Center

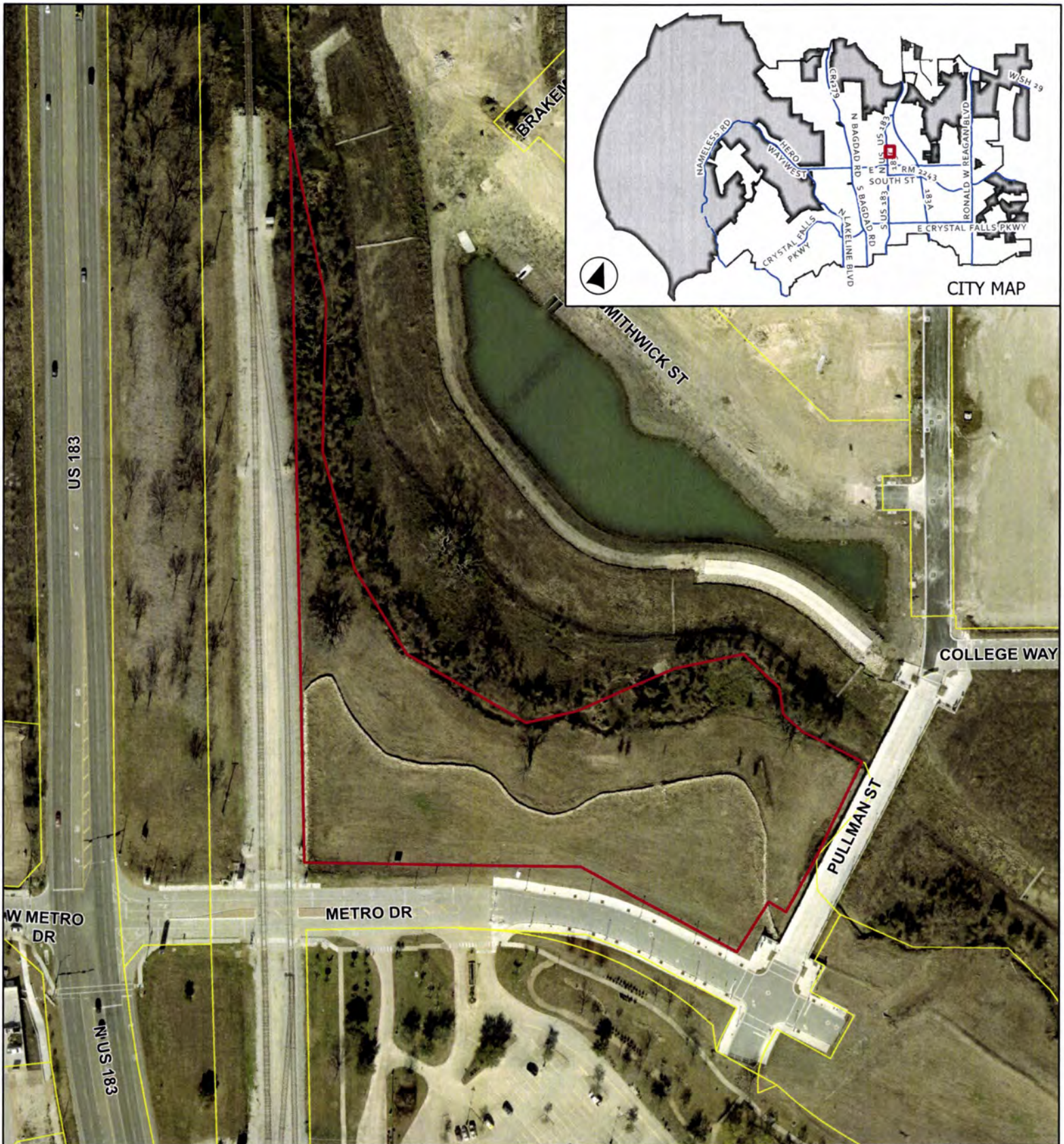
T6 - Urban Core



0 55 110



Feet



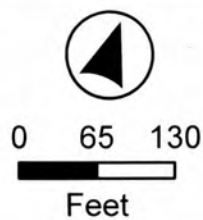
CASE: 22-Z-028

ATTACHMENT 6

METRO WAY
MEDICAL CENTER

Aerial Map

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- Leander City Limits
- Leander ETJ
- Subject Area

EXHIBIT A

Metro Way Medical Center Minor Planned Unit Development

A. Purpose and Intent

1. The Metro Way Medical Center Minor PUD includes approximately 4.37 acres as shown in **Exhibit B**. The development of this property consists of various commercial uses, including medical offices.

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 district has been selected from the Leander Composite Zoning Ordinance.

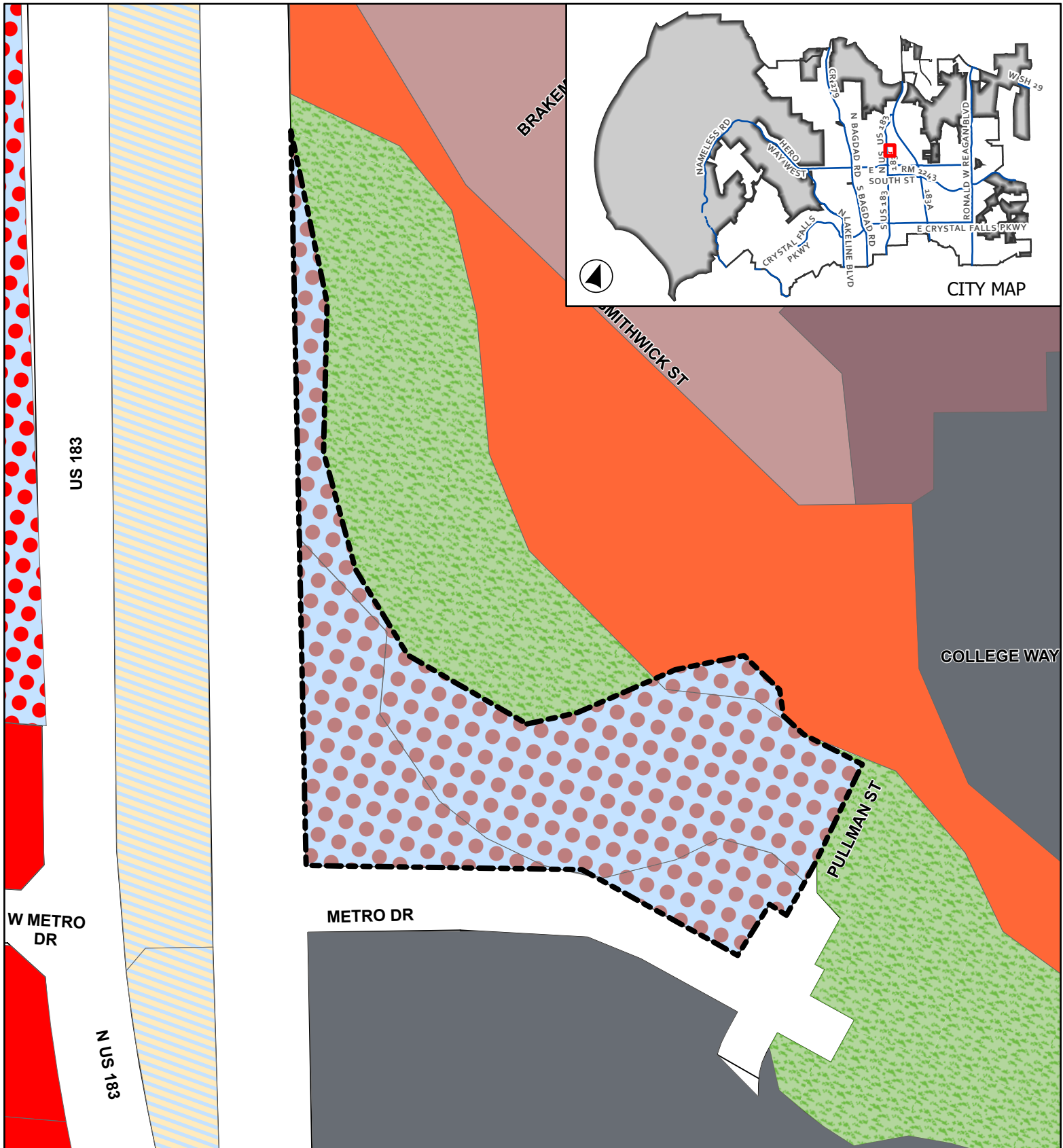
LC 2-A (Local Commercial)

C. Allowable / Prohibited Uses

1. The allowable uses shall be consistent with the LC (Local Commercial) use component.

D. Development Standards

1. The front setback may be reduced to fifteen (15') feet.



CASE: 22-Z-027

METRO WAY
MEDICAL CENTER

Exhibit B

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Leander City Limits

ETJ

Subject Area

GC - General Commercial

PUD - Local Commercial

PUD - General Commercial

OS - Open Space

CD - Conventional Sector

Civic Building

T4 - Genral Urban

T5 - Urban Center

T6 - Urban Core



0 55 110



Feet

July 25, 2022

Robin Griffin
Planning Director
City of Leander
P O Box 319
Leander, TX 78646

Subject: Amendment to TOD PUD/Smart Code Letter of Intent
Metro Drive & US 183

Dear Ms. Griffin:

We met on 7/18 via video conference for a Pre-Development meeting and discussed the proposed project located at the Northeast corner of US 183 and Metro Drive. The property is a 4.37-acre tract located within the TOD and Smart Code. Currently, the property is zoned T6-Urban Core and Open Space. We are proposing a base zoning of LC-2-B for the portion that is currently T6-Urban Core and the Open Space portion that is not in the floodplain.

We are requesting to keep the current T6-Urban Core zero front building setbacks.

Sincerely,



Anthony Goode, P.E.

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 mailed through USPS on 7/26/22 to the 2 property owners within 200 feet of the property. There are no residential property owners within 500 feet.

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.

There are only 2 property owners within 200 feet and they were both notified.
Capital Metro Transportation Authority
Northline Leander Development Company LLC

3. What concerns were raised during these communications?

No concerns have been raised to date.

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

No concerns have been raised to date.

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

Signature:  Date _____

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 METRO WAY MEDICAL CENTER MINOR PUD (PLANNED UNIT DEVELOPMENT) WITH THE BASE ZONING DISTRICT OF 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 parcel of land being 4.37 acres, ±; being more particularly described in Exhibit "B"; and identified by tax identification number R573740; more particularly described in Instrument Number 2006112794 recorded in the Official Public Records of Williamson County, Texas.

SECTION 4. Property Rezoned. The Zoning Ordinance is hereby amended by creating the Metro Way Medical Center Minor PUD (Planned Unit Development) with the base zoning district of LC-2-A (Local Commercial). The Minor PUD shall be developed and occupied in accordance with this Ordinance, the PUD plan attached as Exhibits "A" and "B", which are hereby adopted and incorporated herein for all purposes, and the Composite Zoning Ordinance to the extent not amended by this Ordinance. In the event of a conflict between the Composite Zoning Ordinance and the requirements for the Property set forth in this Ordinance, this Ordinance shall control.

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

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

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

PASSED AND APPROVED on First Reading this the 20th day of October, 2022.
FINALLY PASSED AND APPROVED on this the 3rd day of October, 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

September 22, 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 p.m.

2. Roll Call

All Commissioners are present.

3. Director's report to the Planning & Zoning Commission on actions taken by the City Council at the September 15, 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

Chair Cosgrove stated Item 7 was pulled from consent and would be considered separately as part of the Regular Agenda.

6. Approval of Subdivision Case 20-FP-016 regarding Palmera Bluff Section 6 Final Plat on two parcels of land approximately 18 acres ± in size, more particularly described by Williamson Central Appraisal District parcels R032201 and R032200; generally located north of Palmera Bluff Sections 3 & 5, Leander, Williamson County, Texas.

7. Approval of Subdivision Case 22-PP-007 regarding Wildspring Subdivision Preliminary Plat on one parcel of land approximately 111.57 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District parcel R032112; generally located NW of the intersection of CR 177 and CR 175, Leander, Williamson County, Texas.

Motion made by Commissioner Ron May, seconded by Commissioner Deirdre Moss to approve the preliminary plat.

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

7 - 0 Passed

8. Approval of Minutes.

Motion made by Commissioner Hampton, Jr. to approve the consent agenda items 6 & 8, seconded by Commissioner Carpenter.

7 to 0 Passed

PUBLIC HEARING: ACTION

9. Conduct a Public Hearing regarding Special Use Case 22-SU-002 to allow for the temporary residential use of a travel trailer or recreational vehicle for use by owners while building permanent home on site; on one parcel of land approximately 4.72 acres $\pm$ in size, more particularly described by Travis Central Appraisal District Parcel 513800; and more commonly known as 13201 Vista Rock Drive, Leander, Travis County, Texas.

- Discuss and consider action regarding Special Use Permit Case 22-SU-002 as described above.

Motion made by Commissioner Laura Lantrip, seconded by Vice Chair Donnie Mahan to approve the special use.

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

7 - 0 Passed

10. Conduct a Public Hearing and consider action regarding Zoning Case 22-Z-022 to amend the current zoning of SFR-3-B (Single-Family Rural) to adopt the Moon Valley PUD (Planned Unit Development) with a base zoning district of LC-5-D (Local Commercial) on two parcels of land approximately 8.78 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R319362 and R031223; and more commonly known as 15841 Ronald W Reagan Blvd, Leander, Williamson County, Texas.

- Discuss and consider action regarding Zoning Case 22-Z-022 as described above.

Ray Hill, Kanav Bansal, Rita Flores and Maria Hill spoke against.

Emily Kaszczuk, Cunningham, Jeff Schmitt, Joby Strobo, Cynthia Cunningham, Loren Morgan,

Mandy Gegoux Rafael de Magalhaes Dreher, and Marie Cates positions were read into the record as against.

Jason Suchomel and Emily Kaszczuk are against and had their comments read into the record.

Motion made by Vice Chair Donnie Mahan, seconded by Commissioner Rick Carpenter to approve the zoning request with the condition that the permitted use are updated to limit the uses to Retail Nursery and associated goods and to remove C.

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

7 - 0 Passed

11. Conduct a Public Hearing regarding Zoning Case 22-Z-027 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to adopt the 50 High Gabriel Minor PUD (Planned Unit Development) with a base zoning of GC-3-A (General Commercial) on one parcel of land approximately 1.59 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R474021; and more commonly known as 50 High Gabriel East, Leander, Williamson County, Texas.

- Discuss and consider action regarding Zoning Case 22-Z-027 as described above.

Motion made by Vice Chair Donnie Mahan, seconded by Commissioner Laura Lantrip to approve the zoning request with the amended base zoning district of LC-2-A.

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

7 - 0 Passed

12. Conduct a Public Hearing and consider action regarding Zoning Case 22-Z-028 to amend the current zoning of T6 (Urban Core Zone) to adopt the Metro Way Medical Center PUD (Planned Unit Development) with the LC-2-A (Local Commercial) on one parcel of land approximately 4.37 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R573740; and generally located to the northeast S US 183 and Metro Dr., Leander, Williamson County, Texas.

- Discuss and consider action regarding Zoning Case 22-Z-028 as described above.

Motion made by Commissioner Ron May, seconded by Vice Chair Donnie Mahan to approve the zoning request.

Chair Cosgrove withdrew the motion.

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

NAY: Commissioner Laura Lantrip, Commissioner Rick Carpenter

5 - 2 Passed

Motion made by Commissioner Ron May, seconded by Vice Chair Donnie Mahan to approve the zoning request with the condition that the PUD notes corrected to include a 10' foot setback.

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

NAY: Commissioner Laura Lantrip, Commissioner Rick Carpenter

5 - 2 Passed

13. Conduct a Public Hearing and consider action regarding Zoning Case 22-Z-029 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to HC-4-D (Heavy Commercial) on two parcels of land approximately 9.111 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R031284 and R324449; and more commonly known as 2967 & 3005 Hero Way, Leander, Williamson County, Texas.
- Discuss and consider action regarding Zoning Case 22-Z-029 as described above.

Motion made by Commissioner Laura Lantrip, seconded by Commissioner Rick Carpenter to approve the zoning request.

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

7 - 0 Passed

REGULAR AGENDA

14. Discuss and consider action regarding Subdivision Case 22-PP-004 to approve the Bar W Ranch West Phases 10 and 11 Preliminary Plat on six parcels of land approximately 94.5 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R544598, R532728, R539735, R539738, R573683, R544612; generally located northeast of CR 267 and Bar W Ranch Blvd. Leander, Williamson County, Texas.

Motion made by Commissioner Ron May, seconded by Vice Chair Donnie Mahan to approve the preliminary plat.

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

7 - 0 Passed

15. Discuss and consider action on Tree Removal Case 22-TRP-006 regarding removal of a Significant Tree associated with the Brushy Creek Retail Floodplain Development Project, generally located at US 183 and Metro Dr. Leander, Williamson County, Texas.

Motion made by Commissioner Deirdre Moss, seconded by Commissioner Rick Carpenter to deny the Tree Removal request.

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

7 - 0 Passed

16. Discuss and consider action on the Planning & Zoning Commission Progress Report for September 2021 to August 2022.

Commissioners had discussion. No action was taken.

17. Adjournment at 8:37 p.m.

APPROVED:

CHAIRMAN COSGROVE

ATTEST:

ELLEN COUFAL
PLANNING & ZONING COMMISSION SECRETARY



EXECUTIVE SUMMARY
11/03/2022

AGENDA SUBJECT:

Approval of the Second Reading of an Ordinance regarding Zoning Case 22-Z-029 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to HC-4-D (Heavy Commercial) on two parcels of land approximately 9.111 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R031284 and R324449; and more commonly known as 2967 & 3005 Hero Way, Leander, Williamson County, Texas.

BACKGROUND:

This request is the final step in the zoning process. Staff recommends approval of this request. The request is consistent with the Comprehensive Plan and Composite Zoning Ordinance. The Planning & Zoning Commission unanimously recommended approval of the request during the September 22, 2022 meeting.

HISTORY/TIMELINE:

09/22/2022 - Planning & Zoning Commission, 1st Public Hearing
10/20/2022 - City Council, 2nd Public Hearing

APPLICANT/AGENT:

John Horton Realty (John Horton) on behalf of TechTown Industrial L1, LLC (Senthil Rangaswamy, Manager)

RECOMMENDATION:

The City Council approved the request during the October 20, 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 Draft Minutes



PLANNING ANALYSIS

ZONING CASE 22-Z-029
TECHTOWN INDUSTRIAL

GENERAL INFORMATION

Owner/Agent: John Horton Realty (John Horton) on behalf of TechTown Industrial L1, LLC (Senthil Rangaswamy, Manager).

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

Proposed Zoning: HC-4-D (Heavy Commercial)

Size and Location: The property is located at 2967 & 3005 Hero Way, including approximately 9.111 acres.

Staff Contact: Michael Chenausky, AICP, Senior Planner

APPLICANT REQUEST

The applicant has submitted a request to change the designated zoning district of their property in order to bring the current use into compliance with the appropriate zoning and add commercial buildings.

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? *see below*

SPECIAL CONSIDERATIONS

The property is currently a non-conforming use which was established at the time of annexation. Any addition, improvements or changes to the current use of the property require a zoning change to bring the site into compliance.

SITE INFORMATION:

ABUTTING ZONING AND LAND USE:

	ZONING	LAND USE
NORTH	Interim SFR-1-B, HI-5-D	Commercial adjacent and undeveloped land across Hero Way.
EAST	HI-5-D, HC-4-D, Interim SFR-1-B	Commercial and large lot residential
SOUTH	HI-5-D	Industrial
WEST	HC-4-D	Single-Family house

SURROUNDING AREA:

This property is bound by existing Heavy Commercial users. There are undeveloped parcels near by and commercially zoned properties not fully developed as commercial users.

PHYSICAL AND NATURAL FEATURES:

This property has outdoor storage, and has been actively operating as a commercial user.

PROPERTY HISTORY:

The front flag pole portion of the property was annexed into the City October 20, 2010 and the remainder of the property was later annexed January 16, 2013.

MAJOR CORRIDORS:

This property has access onto Hero Way.

TRANSPORTATION PLAN REQUIREMENTS:

This property includes frontage along the future expansion of Hero Way.

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	Multi-Use Corridor	400' ROW 10' sidewalk

EXISTING UTILITIES:

This property has access to water along Hero Way, wastewater will need to be extended to the site.

CURRENT LAND USES:

This property is currently being used as commercial outdoor storage.

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 06/27/2022. The following changes were made to the project since the development meeting was held:

- No Changes

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

- No Changes

NOTIFICATION

09/01/2022 - Public Notice on Hill Country News

09/07/2022 - Mail Notification to Property Owners within 200'

09/07/2022 - Public Hearing Signage Posted on Property

09/22/2022 - Planning and Zoning Commission Public Hearing

10/20/2022 - City Council Public Hearing & First Reading of the Ordinance

11/03/2022 - 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.

Neighborhood Outreach was conducted and signs posted see attachment 8 for more detail. Below is a list of comments/concerns that were discussed during the meeting:



- No issues raised.

The following changes were made to address issues discussed.

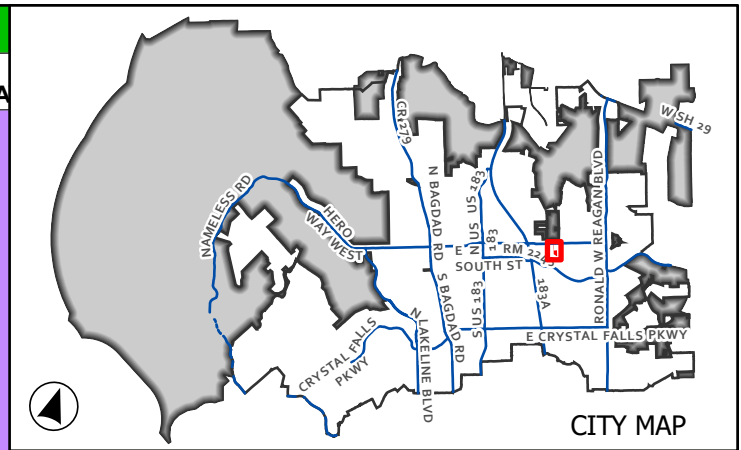
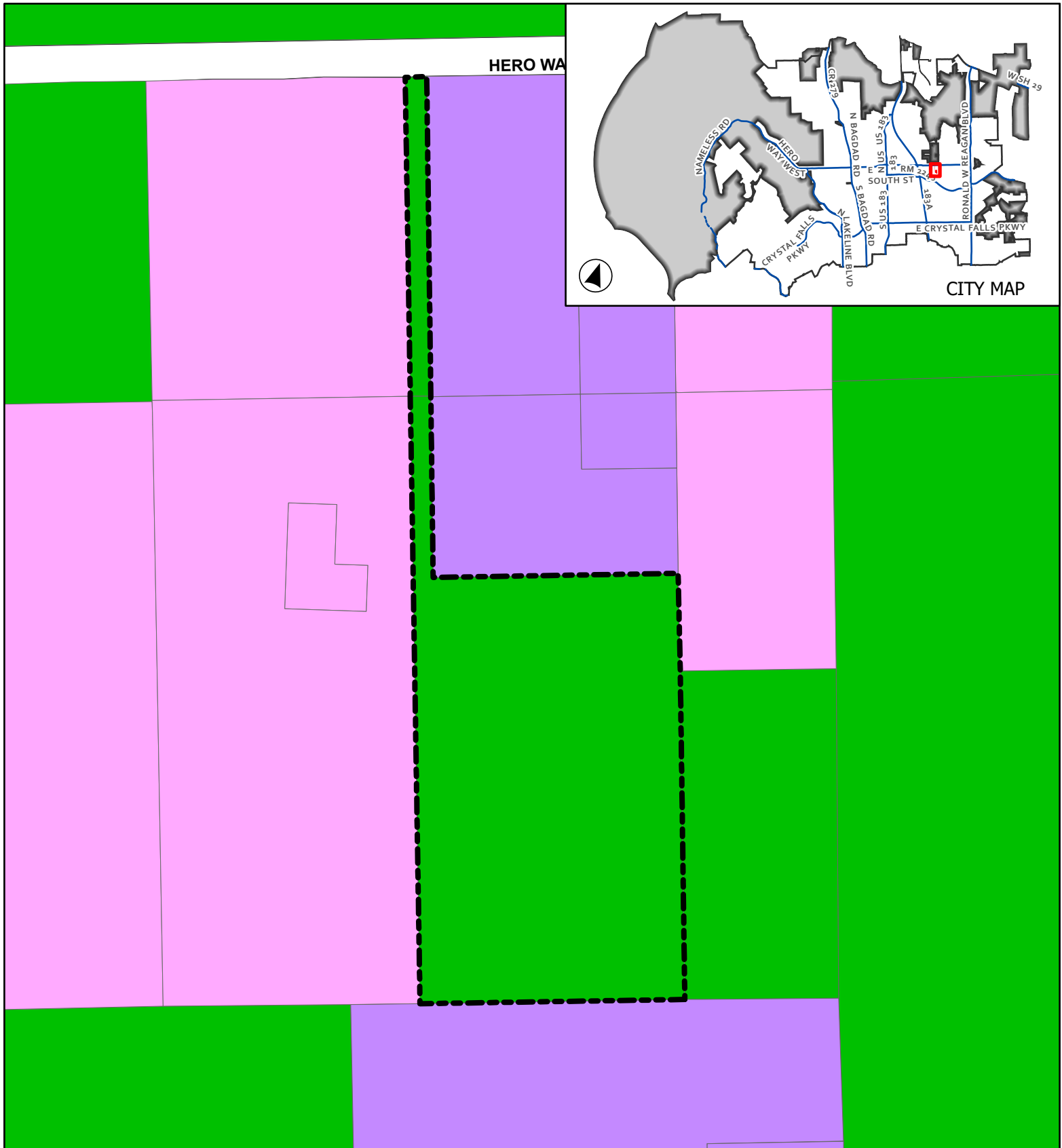
- No Changes.

Please see the full report from the applicant attached.

APPROVAL CRITERIA:

The Comprehensive Plan identifies this area as Employment Center on the Future Land Use Map. The Employment Center is intended for commercial uses comprising 80-100% of the area.

This property is an existing Heavy Commercial user adjacent to other Heavy Commercial or industrial users. As the property is redeveloped, it will need to comply with current standards associated with the HC-4-D (Heavy Commercial) zoning district. This includes building and parking setbacks, outdoor storage areas and landscaping.



CASE: 22-Z-029

ATTACHMENT 2

TECHTOWN
INDUSTRIAL

Current Zoning

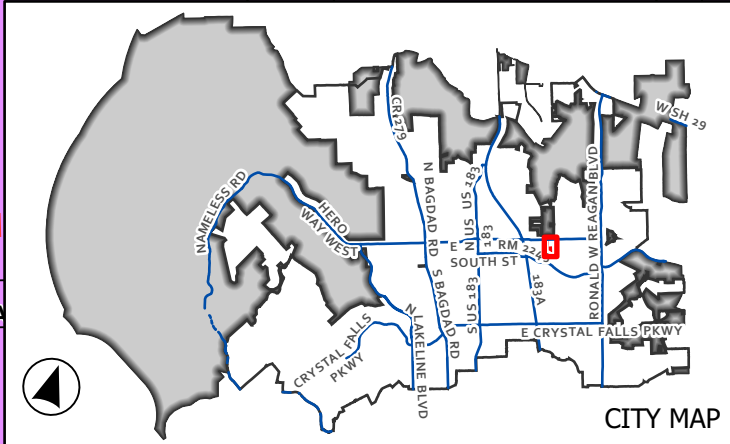
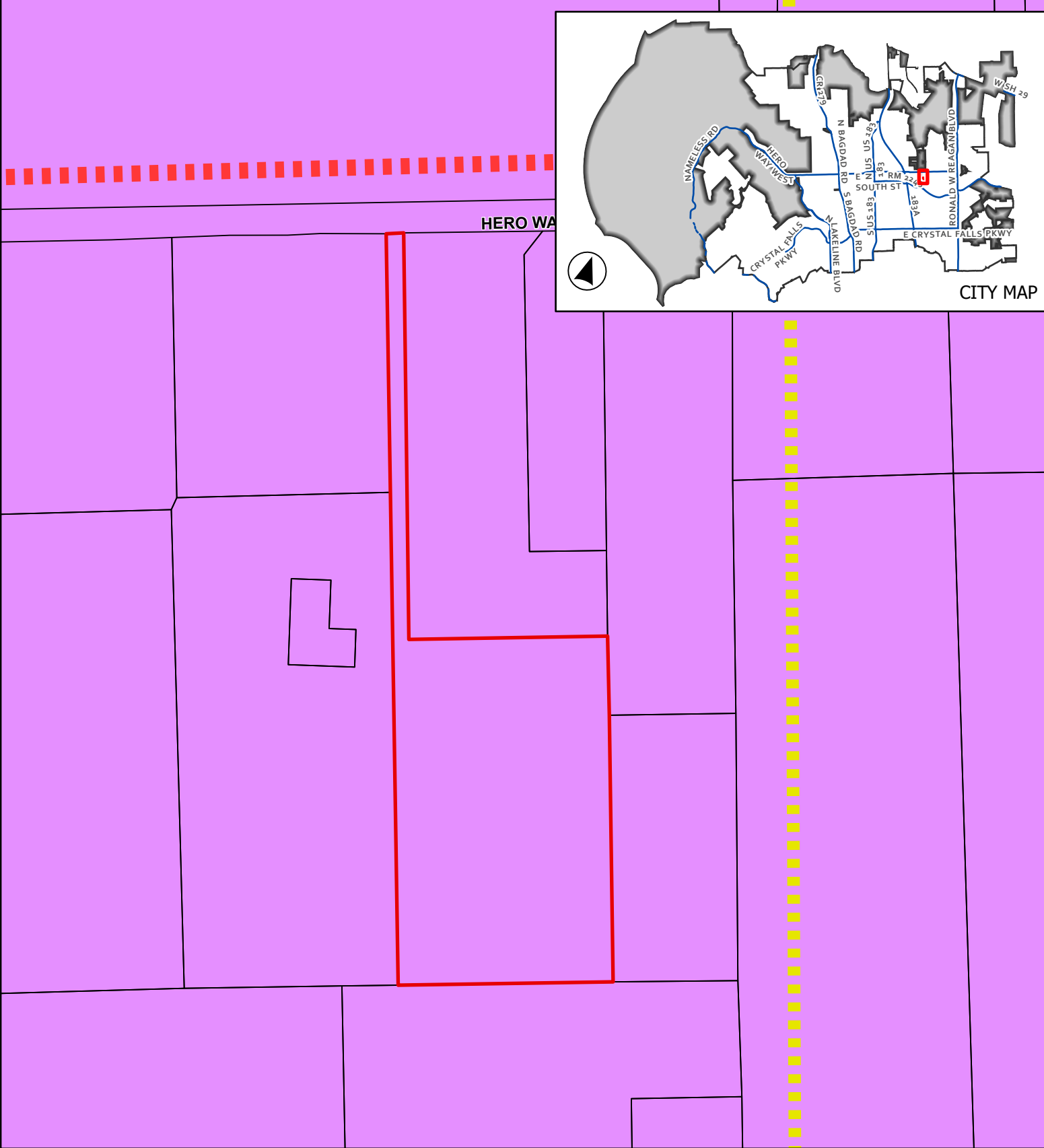
-  Leander City Limits
-  ETJ
-  Subject Area

-  SFR - Single-Family Rural
-  HC - Heavy Commercial
-  HI - Heavy Industrial

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.



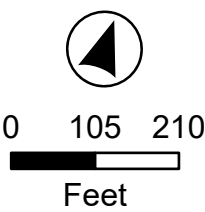
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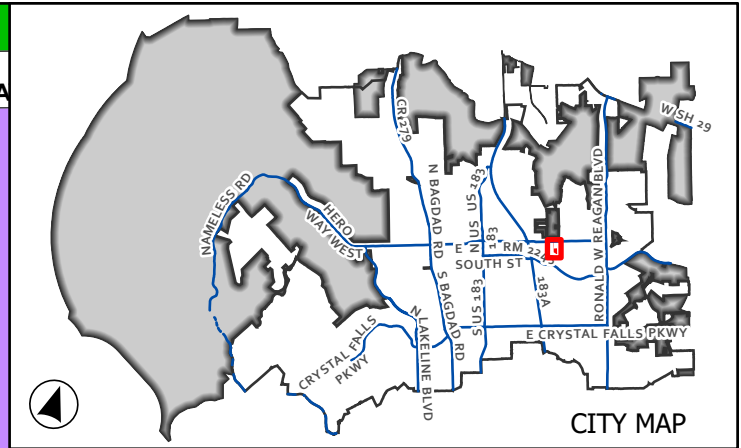
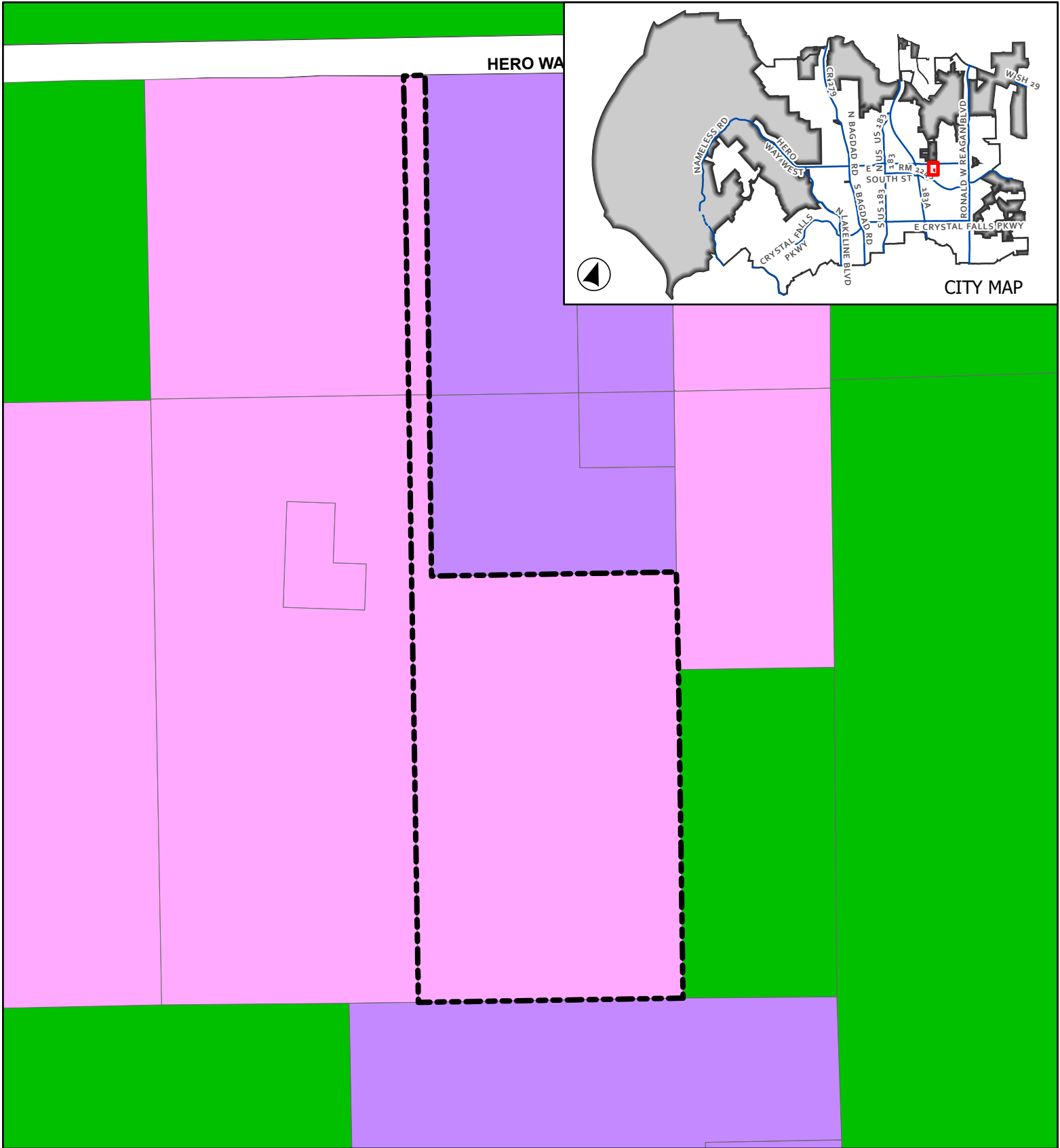
CASE: 22-Z-029 ATTACHMENT 3 **TECHTOWN INDUSTRIAL**

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
- Access Controlled, Proposed
- Collector, Proposed
- Future Land Use**
- Employment Center



CASE: 22-Z-029

ATTACHMENT 5

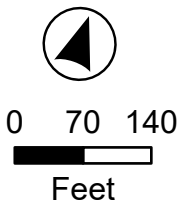
TECHTOWN
INDUSTRIAL

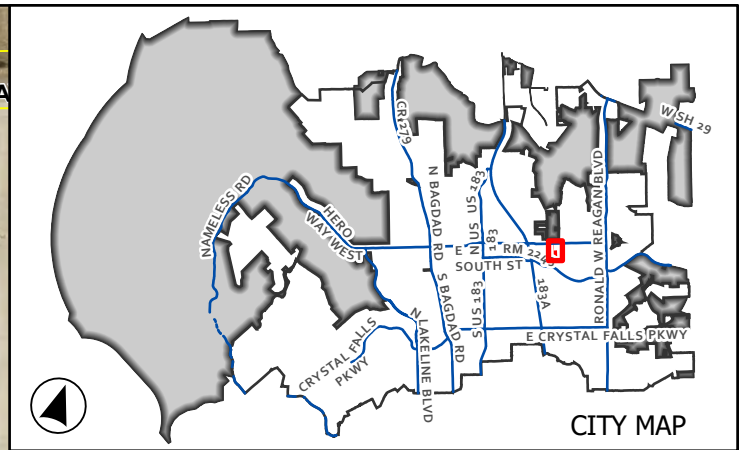
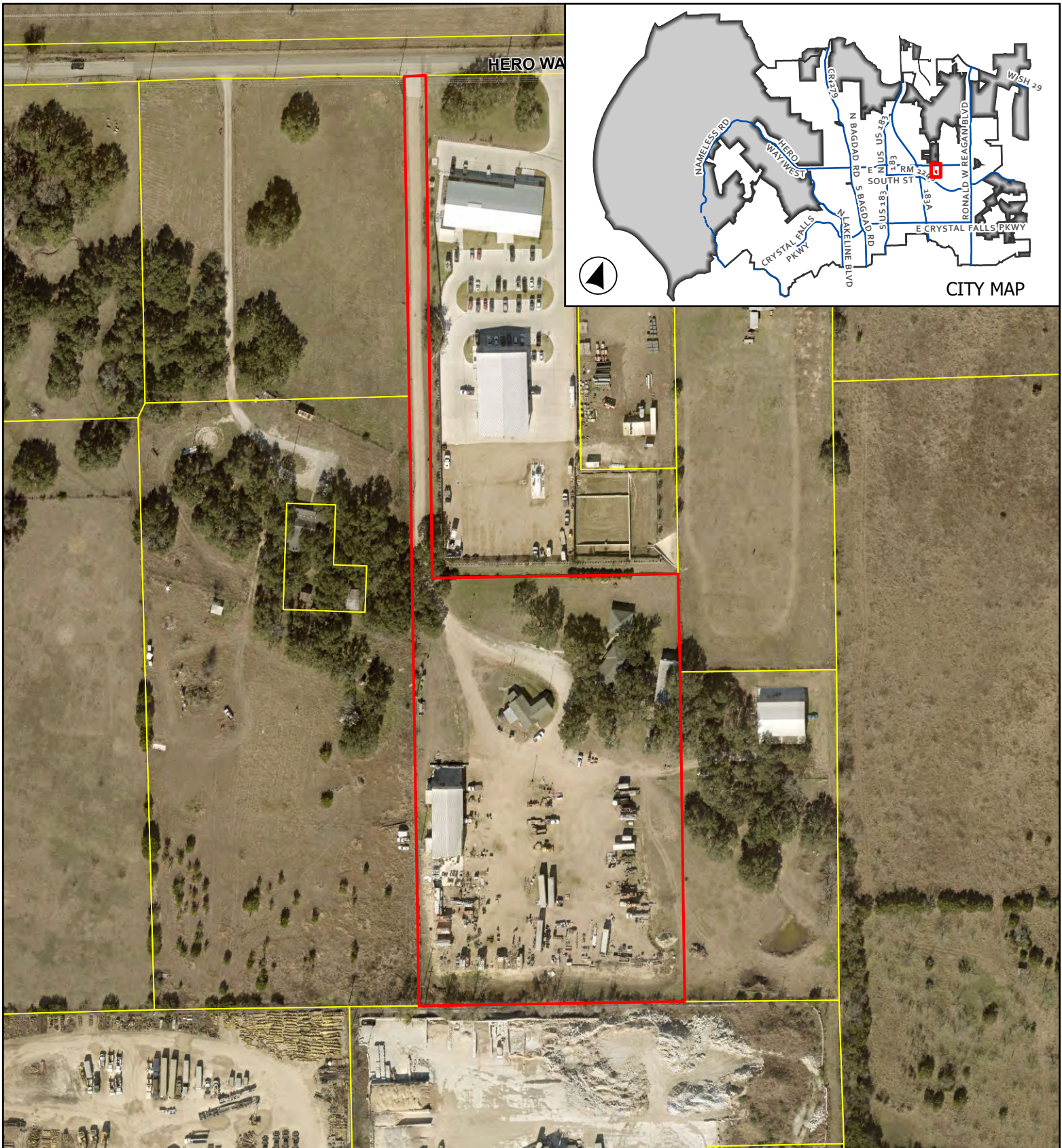
Proposed Zoning

- Leander City Limits
- ETJ
- Subject Area

- SFR - Single-Family Rural
- HC - Heavy Commercial
- HI - Heavy Industrial

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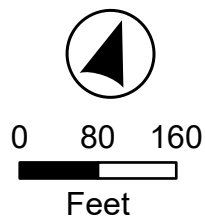
CASE: 22-Z-029

ATTACHMENT 6

TECHTOWN
INDUSTRIAL

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

PROJECT NAME: Techtown Industrial

APPLICANT: Techtown Industrial L1 LLC, a Texas Limited Liability Company

APPLICANT AGENT: John E Horton Real Estate Broker
9600 Great Hills Trail Suite W-150
Austin, TX 78759 512-217-3680

SITE ADDRESS: 2967 & 3005 Hero Way Leander, Williamson County, Texas 78641

DESCRIPTION: To amend the current zoning of Interim SFR-1-B (Single-Family Rural) to HC-4-D (Heavy Commercial) on approximately 9.00 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R324449 & R031284; and more commonly known as 2967 and 3005 Hero Way, Leander, Williamson County, Texas 78641.

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 by existing and planned transportation arterials and provide additional commercial opportunities within the corporate boundaries of the city.

If you have any questions or would like to schedule a meeting to discuss this project, please feel free to reach out Applicant Agent John Horton, 512-217-3680 or email at John@JohnHortonRealty.com.

Sincerely,

 8-1-22
John Horton

John Horton Realty, Broker

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.

I personally spoke with all surrounding property owners within 500' except for 3 that I couldn't get contact information on, so I sent those 3 a certified letter, with all my contact information and an offer to discuss the project (letter attached)

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.

See attached list of neighbors contacted.

3. What concerns were raised during these communications?

Since most of the surrounding properties are either zoned commercial or planned to be zoned commercial, there were no objections to our plans. Most contacted thought our plans were an appropriate use for the area.

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

No concerns were raised.

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

Signature: _____

John Horton

Date _____

7-21-22

Owners within 500 Feet

	Properties Within 500 Feet					
PARCELID	PropertyAddress	MailingAddress	FullName	Contact	Phone	Contact Type
R620745	HERO WAY, LEANDER, TX 78641	3000 Polar Ln #801 Cedar Park, TX 78613	ARS Developers LLC	Spencer Filmore	737 808 0845	Mail/Phone
R555207	1651 CR 270, LEANDER, TX 78641	PO BOX 266 LEANDER, TX 78646-0266	CHAMPION, EMOGENE			Mail
R031294	9250 FM 2243, LEANDER, TX 78641	PO BOX 4109 CEDAR PARK, TX 78630-4109	CHAPMAN H L INVESTMENTS	Michael Wilson	512-259-7662	Phone
R031285	2999 HERO WAY, LEANDER, TX 78641	2999 HERO WAY LEANDER, TX 78641-1628	DROPTINI J W & JAN	Jerry Droptini	512-970-0669	Phone
R031281	2773 HERO WAY, LEANDER, TX 78641	2773 HERO WAY LEANDER, TX 78641-1629	Golden Bobby & Christine			Mail
R031282	2871 HERO WAY, LEANDER, TX 78641	8010 MULEY DR AUSTIN, TX 78759	JNK PROPERTIES 1, LTD	Vivek Mahandru	512-731-3164	Meeting
R031317	HERO WAY, LEANDER, TX 78641	8010 MULEY DR AUSTIN, TX 78759	JNK PROPERTIES 1, LTD	Vivek Mahandru	512-731-3165	Meeting
R031318	HERO WAY, LEANDER, TX 78641	8010 MULEY DR AUSTIN, TX 78759	JNK PROPERTIES 1, LTD	Vivek Mahandru	512-731-3166	Meeting
R319481	2871 HERO WAY, LEANDER, TX 78641	8010 MULEY DR AUSTIN, TX 78759	JNK PROPERTIES 1, LTD	Vivek Mahandru	512-731-3167	Meeting
R555216	2871 HERO WAY, LEANDER, TX 78641	8010 MULEY DR AUSTIN, TX 78759-6902	MAHENDRU, VIVEK, MD	Vivek Mahandru	512-731-3168	Meeting
R555221	HERO WAY, LEANDER, TX 78641	8010 MULEY DR AUSTIN, TX 78759-6902	MAHENDRU, VIVEK, MD	Vivek Mahandru	512-731-3169	Meeting
R600075	HERO WAY, LEANDER, TX 78641	315 COUNTY ROAD 205 LIBERTY HILL, TX 78642	PRELUDE VENTURES/ Civil Lib	Michael Ehrhardt	512-763-1161	Phone
R318744	9200 RR 2243, LEANDER, TX 78641	PO BOX 830 LEANDER, TX 78646-0830	TEX MIX LAND LTD	Eric Bailey	479-263-4069	Phone

June 30, 2022

Regarding: 2967 Hero Way
Leander, Texas
WCAD-R34449 & R031284

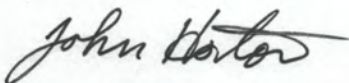
To Whom it May Concern;

You are receiving this letter because the above referenced tract is proposed to be considered by the City of Leander Planning and Zoning Commission for a change in zoning. Current tax records show you own or represent a property within 500 feet of the tract. In advance of the meeting, the Cities process requires the applicant (or their representative) to reach out to certain surrounding property owners, to give them a chance to ask question 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 and its current configuration and with its existing use. As is the Cities policy the tract was not zoned at the time of annexation, but assigned interim zoning (SFR-1-B). The zoning being requested (HC-4-D) is consistent with the cities comprehensive plan for the area.

I am available to answer any questions you may have via email phone or text. Please feel free to contact me with any questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "John Horton". The signature is fluid and cursive, with the first name "John" being more prominent than the last name "Horton".

John Horton

John Horton Realty, Broker
9600 Great Hills Trail Suite W-150
Austin, Texas 78759
512-217-3680 or John@JohnHortonRealty.com

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

RECEIPT REQUESTED

SHIP CHAMPION GNE TRUST
TO: PO BOX 266
LEANDER TX 75446-0266



9590 9402 7505 2098 5611 56

2. Article Number (Transfer from service label)

941471108036487945723

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☒ Addressee

B. Received by (Printed Name)

C. Date of Delivery

7/8/22

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature☐ Adult Signature Restricted Delivery☒ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery☐ Insured Mail☐ Insured Mail Restricted Delivery (over \$500)☐ Priority Mail Express®☐ Registered Mail™☒ Registered Mail Restricted Delivery☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

RETURN RECEIPT REQUESTED

SHIP BOBBY & CHRISTINE GOLDEN
TO: 2773 HERO WAY
LEANDER TX 78641-2697



9590 9402 7505 2098 5611 63

2. Article Number (Transfer from service label)

941471108036487944962

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature☐ Adult Signature Restricted Delivery☒ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery☐ Insured Mail☐ Insured Mail Restricted Delivery (over \$500)☐ Priority Mail Express®☐ Registered Mail™☒ Registered Mail Restricted Delivery☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

RETURN RECEIPT REQUESTED

SHIP ARS DEVELOPERS LLC
TO: 3000 POLAR LN STE 801
CEDAR PARK TX 78613-3073



9590 9402 7505 2098 5611 70

2. Article Number (Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature☐ Adult Signature Restricted Delivery☒ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery☐ Insured Mail☐ Insured Mail Restricted Delivery (over \$500)☐ Priority Mail Express®☐ Registered Mail™☒ Registered Mail Restricted Delivery☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery

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 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 parcel of land being including 9.111 acres ±; being more particularly described in Exhibit "A"; commonly known as 2967 and 3005 Hero Way; identified by Williamson Central Appraisal District tax identification numbers R031284 and R324449; more particularly described in Instrument Number 2022062301 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 20th day of October, 2022.

FINALLY PASSED AND APPROVED on this the 3rd day of November, 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

September 22, 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 p.m.

2. Roll Call

All Commissioners are present.

3. Director's report to the Planning & Zoning Commission on actions taken by the City Council at the September 15, 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

Chair Cosgrove stated Item 7 was pulled from consent and would be considered separately as part of the Regular Agenda.

6. Approval of Subdivision Case 20-FP-016 regarding Palmera Bluff Section 6 Final Plat on two parcels of land approximately 18 acres ± in size, more particularly described by Williamson Central Appraisal District parcels R032201 and R032200; generally located north of Palmera Bluff Sections 3 & 5, Leander, Williamson County, Texas.

7. Approval of Subdivision Case 22-PP-007 regarding Wildspring Subdivision Preliminary Plat on one parcel of land approximately 111.57 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District parcel R032112; generally located NW of the intersection of CR 177 and CR 175, Leander, Williamson County, Texas.

Motion made by Commissioner Ron May, seconded by Commissioner Deirdre Moss to approve the preliminary plat.

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

7 - 0 Passed

8. Approval of Minutes.

Motion made by Commissioner Hampton, Jr. to approve the consent agenda items 6 & 8, seconded by Commissioner Carpenter.

7 to 0 Passed

PUBLIC HEARING: ACTION

9. Conduct a Public Hearing regarding Special Use Case 22-SU-002 to allow for the temporary residential use of a travel trailer or recreational vehicle for use by owners while building permanent home on site; on one parcel of land approximately 4.72 acres $\pm$ in size, more particularly described by Travis Central Appraisal District Parcel 513800; and more commonly known as 13201 Vista Rock Drive, Leander, Travis County, Texas.

- Discuss and consider action regarding Special Use Permit Case 22-SU-002 as described above.

Motion made by Commissioner Laura Lantrip, seconded by Vice Chair Donnie Mahan to approve the special use.

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

7 - 0 Passed

10. Conduct a Public Hearing and consider action regarding Zoning Case 22-Z-022 to amend the current zoning of SFR-3-B (Single-Family Rural) to adopt the Moon Valley PUD (Planned Unit Development) with a base zoning district of LC-5-D (Local Commercial) on two parcels of land approximately 8.78 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R319362 and R031223; and more commonly known as 15841 Ronald W Reagan Blvd, Leander, Williamson County, Texas.

- Discuss and consider action regarding Zoning Case 22-Z-022 as described above.

Ray Hill, Kanav Bansal, Rita Flores and Maria Hill spoke against.

Emily Kaszczuk, Cunningham, Jeff Schmitt, Joby Strobo, Cynthia Cunningham, Loren Morgan,

Mandy Gegoux Rafael de Magalhaes Dreher, and Marie Cates positions were read into the record as against.

Jason Suchomel and Emily Kaszczuk are against and had their comments read into the record.

Motion made by Vice Chair Donnie Mahan, seconded by Commissioner Rick Carpenter to approve the zoning request with the condition that the permitted use are updated to limit the uses to Retail Nursery and associated goods and to remove C.

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

7 - 0 Passed

11. Conduct a Public Hearing regarding Zoning Case 22-Z-027 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to adopt the 50 High Gabriel Minor PUD (Planned Unit Development) with a base zoning of GC-3-A (General Commercial) on one parcel of land approximately 1.59 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R474021; and more commonly known as 50 High Gabriel East, Leander, Williamson County, Texas.

- Discuss and consider action regarding Zoning Case 22-Z-027 as described above.

Motion made by Vice Chair Donnie Mahan, seconded by Commissioner Laura Lantrip to approve the zoning request with the amended base zoning district of LC-2-A.

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

7 - 0 Passed

12. Conduct a Public Hearing and consider action regarding Zoning Case 22-Z-028 to amend the current zoning of T6 (Urban Core Zone) to adopt the Metro Way Medical Center PUD (Planned Unit Development) with the LC-2-A (Local Commercial) on one parcel of land approximately 4.37 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R573740; and generally located to the northeast S US 183 and Metro Dr., Leander, Williamson County, Texas.

- Discuss and consider action regarding Zoning Case 22-Z-028 as described above.

Motion made by Commissioner Ron May, seconded by Vice Chair Donnie Mahan to approve the zoning request.

Chair Cosgrove withdrew the motion.

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

NAY: Commissioner Laura Lantrip, Commissioner Rick Carpenter

5 - 2 Passed

Motion made by Commissioner Ron May, seconded by Vice Chair Donnie Mahan to approve the zoning request with the condition that the PUD notes corrected to include a 10' foot setback.

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

NAY: Commissioner Laura Lantrip, Commissioner Rick Carpenter

5 - 2 Passed

13. Conduct a Public Hearing and consider action regarding Zoning Case 22-Z-029 to amend the current zoning of Interim SFR-1-B (Single-Family Rural) to HC-4-D (Heavy Commercial) on two parcels of land approximately 9.111 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R031284 and R324449; and more commonly known as 2967 & 3005 Hero Way, Leander, Williamson County, Texas.
- Discuss and consider action regarding Zoning Case 22-Z-029 as described above.

Motion made by Commissioner Laura Lantrip, seconded by Commissioner Rick Carpenter to approve the zoning request.

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

7 - 0 Passed

REGULAR AGENDA

14. Discuss and consider action regarding Subdivision Case 22-PP-004 to approve the Bar W Ranch West Phases 10 and 11 Preliminary Plat on six parcels of land approximately 94.5 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R544598, R532728, R539735, R539738, R573683, R544612; generally located northeast of CR 267 and Bar W Ranch Blvd. Leander, Williamson County, Texas.

Motion made by Commissioner Ron May, seconded by Vice Chair Donnie Mahan to approve the preliminary plat.

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

7 - 0 Passed

15. Discuss and consider action on Tree Removal Case 22-TRP-006 regarding removal of a Significant Tree associated with the Brushy Creek Retail Floodplain Development Project, generally located at US 183 and Metro Dr. Leander, Williamson County, Texas.

Motion made by Commissioner Deirdre Moss, seconded by Commissioner Rick Carpenter to deny the Tree Removal request.

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

7 - 0 Passed

16. Discuss and consider action on the Planning & Zoning Commission Progress Report for September 2021 to August 2022.

Commissioners had discussion. No action was taken.

17. Adjournment at 8:37 p.m.

APPROVED:

CHAIRMAN COSGROVE

ATTEST:

ELLEN COUFAL
PLANNING & ZONING COMMISSION SECRETARY



EXECUTIVE SUMMARY
11/03/2022

AGENDA SUBJECT:

Approval of the extension of the application expiration for Subdivision Case 21-FP-006 Rosenbusch Phase 3 Final Plat; more particularly described by Williamson Central Appraisal District Parcel R599344; generally located to the east of the intersection of Vista Ridge Drive and Lakeline Boulevard; Leander, Williamson County, Texas.

BACKGROUND:

This request is for an extension of the expiration date of the Rosenbusch Phase 3 Final Plat form final plat application. Article II, Section 24 (g) includes the following provisions.

g. Application Expiration.

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

HISTORY/TIMELINE:

07/20/2020 Preliminary Plat Approved
01/09/2022 Final Plat Application Expired
07/09/2022 Final Plat Application Staff Extension Expired

APPLICANT/AGENT:

Faris Abboushi, LDC

RECOMMENDATION:

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

Staff recommends approval of an additional six (6) month extension. Approving this extension would grant an extension to January 9, 2023 and will allow the developer to finalize the plat requirements and schedule the plat for review by the Planning & Zoning Commission.

PRESENTER:

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

Attachments

1. Letter of Intent
2. Location Exhibit

3. Ordinance



October 24, 2022

Robin M. Griffin, AICP
Planning Director
City of Leander
512-528-2763

RE: **Application Extension Request**
Rosenbusch Ranch Phase 3 Final Plat (21-FP-006)

Dear Ms. Griffin

Please accept this letter as HR Green's formal request for an Application Extension for the Rosenbusch Ranch Phase 3 Final Plat application (City of Leander Case Number & 21-FP-006), which expired on 7/9/2022.

The original application was administratively extended from 1/9/2022 to 7/9/2022, and we are seeking a second extension of the application to allow for the Final Submittals to occur, now that we have cleared all technical comments. The only outstanding item for these applications is the payment of fees.

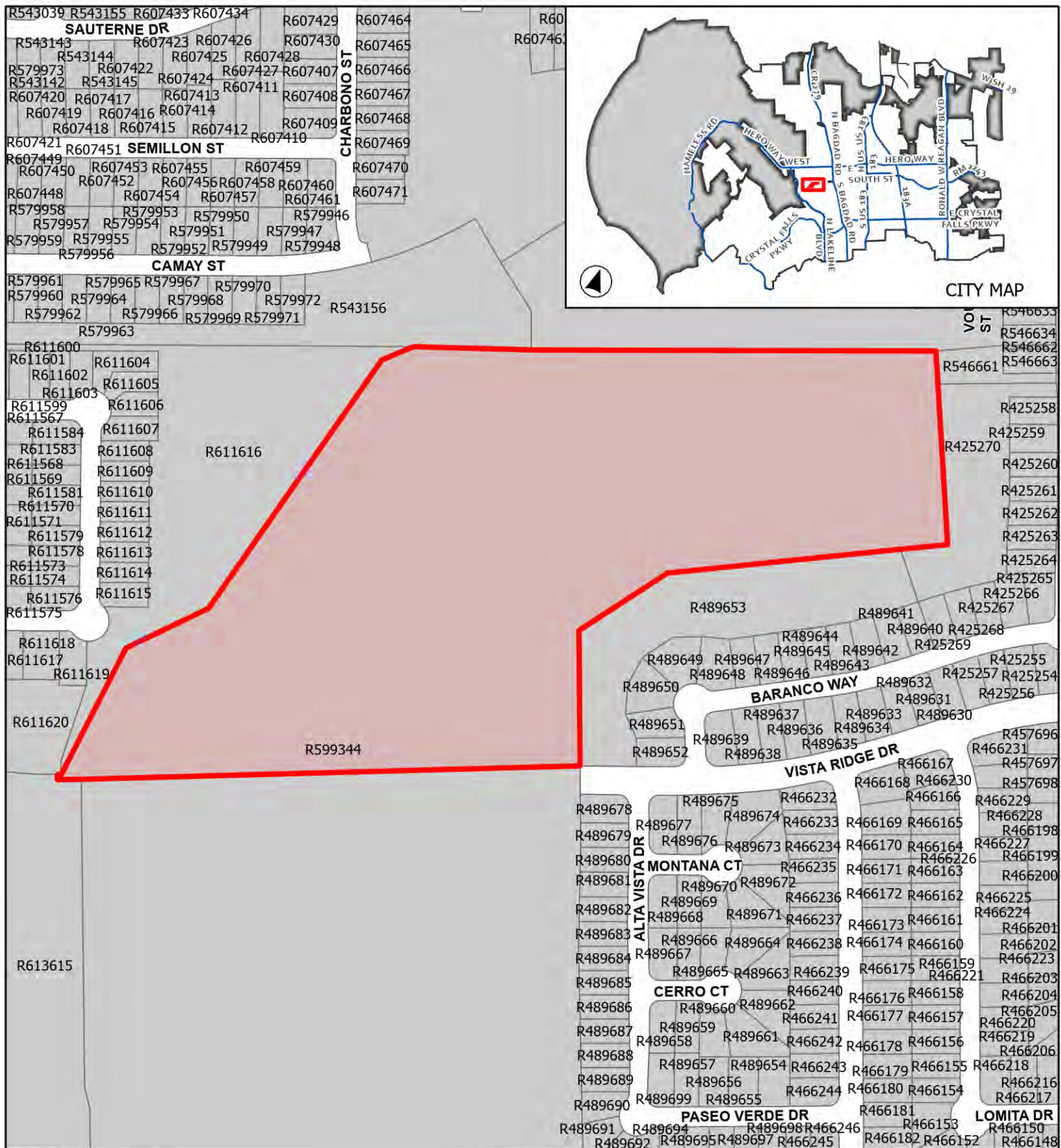
The delay in processing this Final Plat was caused by the associated Subdivision Construction Plan (PICP) review and approval. A hard copy of this letter, along with the required \$200 payment, will be submitted to the City of Leander offices shortly.

We appreciate your assistance in this matter and are available to provide any additional information needed from our office at this time.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Faris Abboushi'.

Faris Abboushi, PE
HR Green
TBPE Firm #16384



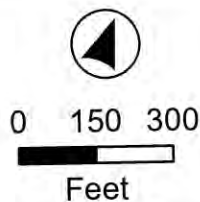
CASE: 21-FP-006

ATTACHMENT 1

ROSENBUSCH PH 3

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.



-  Leander City Limits
 ETJ
 Site Location

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF LEANDER, TEXAS
GRANTING AN EXTENSION OF THE EXPIRATION OF THE
FINAL PLAT APPLICATION FOR THE ROSENBUSCH RANCH
PHASE 3 SUBDIVISION.**

WHEREAS, Section 24 (g) (1) of the City's Subdivision Ordinance provides that the final plat application expires nine (9) months after the date that all initial staff review comments from all reviewing departments have been issued on the application if the final plat are not approved due to the applicant's failure to cause the application to comply with applicable city regulations;

WHEREAS, Section 24 (g) (2) of the City's Subdivision Ordinance provides that the Planning Department may grant one six (6) month extension if the applicant can show substantial progress in obtaining approval of the final plat;

WHEREAS, the Planning Department granted one six (6) month extension for the Rosenbusch Ranch Phase 3 final plat application (the "Final Plat Application") which expires on or about July 9, 2022;

WHEREAS, the City Council of the City of Leander, Texas (the "City") finds that there is good reason to grant an extension of the expiration date for the Final Plat Application because the applicant is actively working to address the final plat comments and move forward with final plat within a reasonable timeframe;

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

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

SECTION 2. Extension Granted. The City hereby grants an extension of the expiration date for the Final Plat Application to January 9, 2023. In the event that the Final Plat Application is not approved by the Planning and Zoning Commission on or before January 9, 2023, the Final Plat Application shall expire.

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

SECTION 4. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

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

ATTEST:

THE CITY OF LEANDER, TEXAS

Dara Crabtree, City Secretary

Christine DeLisle, Mayor



EXECUTIVE SUMMARY
11/03/2022

AGENDA SUBJECT:

Conduct a Public Hearing regarding Subdivision Case 22-CP-005 to adopt the Lake's Lair Concept Plan and Subdivision Case 22-PP-009 to adopt the Lake's Lair Preliminary Plat on one parcel of land approximately 1.376 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R031219; generally located at the southwest corner of E. Crystal Falls Parkway and Ronald W. Reagan Boulevard, Leander, Williamson County, Texas.

- Discuss and consider action regarding Subdivision Case 22-CP-005 and 22-PP-009 as described above.

BACKGROUND:

This request is the first and second steps in the subdivision process. Pursuant to Section 212.005 of the Texas Local Government Code, approval by municipality is required since the concept plan satisfies the applicable regulations without requesting any variances.

HISTORY/TIMELINE:

12/16/2021 - Zoning Approved
10/27/2022 - Planning & Zoning Commission, 1st Public Hearing

APPLICANT/AGENT:

Odyssey Services Group, LLC (Narciso Lira) on behalf of Fairgrounds Ventures, LP (Brady Carruth)

RECOMMENDATION:

The proposal includes one commercial lot. Staff recommends approval of this request. The Planning & Zoning Commission recommended approval during the October 27, 2022 meeting.

PRESENTER:

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

Attachments

1. Concept Plan and Preliminary Plat
2. Location Exhibit
3. P&Z Draft Minutes

LAKE'S LAIR SUBDIVISION

CONCEPT PLAN & PRELIMINARY PLAT

PROJECT NUMBER: 22-CP-005 & 22-PP-009

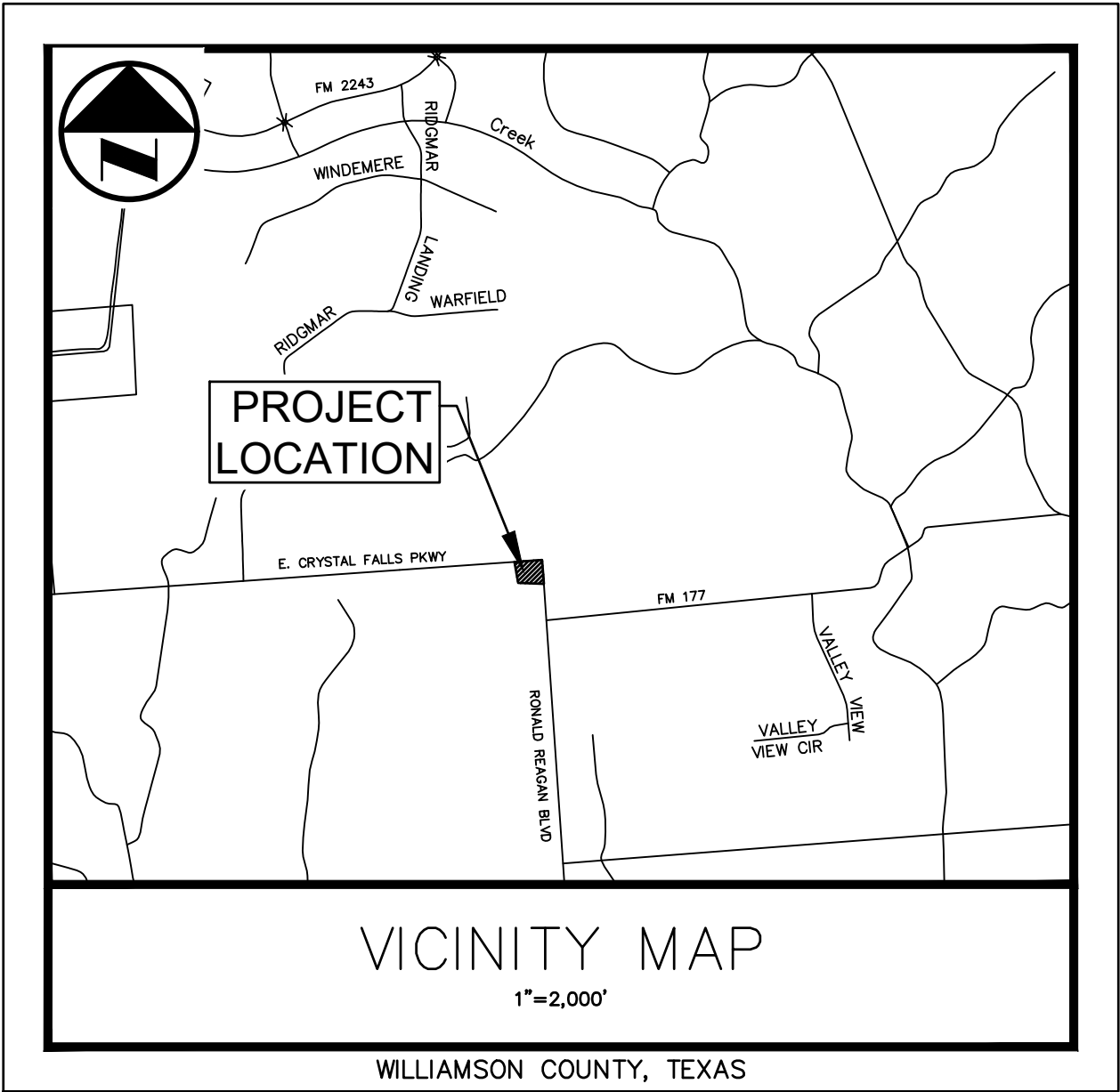
OWNER:
FAIRGROUNDS VENTURES LP
1022 COLUMBIA ST
HOUSTON, TX 77008

ENGINEER:
KIMLEY-HORN.
11700 KATY FWY. #800
HOUSTON, TX 77079
(281) 597-9300

SURVEYOR:
ACKLAM, INC.
5901 COURTYARD DR. #300
AUSTIN, TX 78746
(737) 255-9443

PROJECT AGENT:
ODYSSEY SERVICES GROUP, LLC.
9540 GARLAND ROAD SUITE 381-188
DALLAS, TX 75218
(832) 373-7577
CONTACT: NARCISO LIRA

FILING DATE: 03/15/2022
PROPERTY PROPOSED ZONING: GC-3-C
SITE ACREAGE: 1.376 ACRES
FUTURE LAND USE CATEGORY: NEIGHBORHOOD CENTER - PRIORITY



INDEX OF SHEETS	
Sheet Number	Sheet Title
SHEET 1	COVER SHEET
SHEET 2	CONCEPT PLAN
SHEET 3	EXISTING CONDITIONS
SHEET 4	PRELIMINARY PLAT
SHEET 5	EXISTING FLOW CONDITIONS
SHEET 6	PROPOSED FLOW CONDITIONS
SHEET 7	WASTEWATER IMPROVEMENTS (1 OF 2)
SHEET 8	WASTEWATER IMPROVEMENTS (2 OF 2)
SHEET 9	WATER IMPROVEMENTS
SHEET 10	TREE PROTECTION PLAN

COVER SHEET

GENERAL PLAT NOTES
1. THIS SUBDIVISION IS WHOLLY CONTAINED WITHIN THE CURRENT CORPORATE LIMITS OF THE CITY OF LEANDER, TEXAS.
2. NO LOT IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO THE CITY OF LEANDER WATER DISTRIBUTION AND WASTEWATER COLLECTION FACILITIES.
3. A BUILDING PERMIT IS REQUIRED FROM THE CITY OF LEANDER PRIOR TO CONSTRUCTION OF ANY BUILDING OR SITE IMPROVEMENTS ON ANY LOT IN THIS SUBDIVISION.
4. NO BUILDINGS, FENCES, LANDSCAPING OR OTHER STRUCTURES ARE PERMITTED WITHIN DRAINAGE EASEMENTS SHOWN EXCEPT AS APPROVED BY THE CITY OF LEANDER PUBLIC WORKS DEPARTMENT.
5. PROPERTY OWNER SHALL PROVIDE FOR ACCESS TO DRAINAGE EASEMENTS AS MAY BE NECESSARY AND SHALL NOT PROHIBIT ACCESS BY THE CITY OF LEANDER.
6. ALL EASEMENTS ON PRIVATE PROPERTY SHALL BE MAINTAINED BY THE PROPERTY OWNER OR HIS OR HER ASSIGNS.
7. IN ADDITION TO THE EASEMENTS SHOWN HEREON, A TEN (10') FOOT WIDE PUBLIC UTILITY, LANDSCAPE, AND ACCESS EASEMENT IS DEDICATED ALONG AND ADJACENT TO ALL RIGHT-OF-WAY AND A TWO AND A HALF (2.5') FOOT WIDE PUBLIC UTILITY EASEMENT IS DEDICATED ALONG ALL SIDE LOT LINES.
8. NO PORTION OF THIS TRACT IS WITHIN A FLOOD HAZARD AREA AS SHOWN ON THE FLOOD INSURANCE RATE MAP PANEL #48491C0460F FOR WILLIAMSON CO., EFFECTIVE DECEMBER 20, 2019.
9. SIDEWALKS SHALL BE INSTALLED ON BOTH SIDES OF RONALD REAGAN BLVD AND CRYSTAL FALLS PKWY. THOSE SIDEWALKS NOT ABUTTING A RESIDENTIAL, COMMERCIAL OR INDUSTRIAL LOT (INCLUDING SIDEWALKS ALONG STREET FRONTAGES OF LOTS PROPOSED FOR SCHOOLS, CHURCHES, PARK LOTS, DETENTION LOTS, DRAINAGE LOTS, LANDSCAPE LOTS, OR SIMILAR LOTS), SIDEWALKS ON ARTERIAL STREETS TO WHICH ACCESS IS PROHIBITED, SIDEWALKS ON DOUBLE FRONTAGE LOTS ON THE SIDE TO WHICH ACCESS IS PROHIBITED, AND ALL SIDEWALKS ON SAFE SCHOOL ROUTES SHALL BE INSTALLED WHEN THE ADJOINING STREET IS CONSTRUCTED.
10. ALL UTILITY LINES MUST BE LOCATED UNDERGROUND.
11. BUILDING SETBACKS NOT SHOWN HEREON SHALL COMPLY WITH THE MOST CURRENT ZONING ORDINANCE OF THE CITY OF LEANDER.

NON-RESIDENTIAL & MULTI-FAMILY PLAT NOTES
1. ALL DRIVE LANES, FIRE LANES, AND DRIVEWAYS WITHIN THIS SUBDIVISION SHALL PROVIDE FOR RECIPROCAL ACCESS FOR INGRESS AND EGRESS TO ALL OTHER LOTS WITHIN THE SUBDIVISION AND TO ADJACENT PROPERTIES.
2. TRAFFIC IMPACT ANALYSIS NOTE: AT THE TIME OF THIS DEVELOPMENT PERMIT, THE APPLICANT WILL PROVIDE A PAYMENT TO THE CITY IN LIEU OF A TRAFFIC IMPACT ANALYSIS (TIA), UNLESS A TIA FOR THE ENTIRE DEVELOPMENT INDICATES THAT AVERAGE DAILY TRIPS ARE ESTIMATED BELOW 2,000.

IMPROVEMENTS NOTES
1. THE PUBLIC IMPROVEMENTS CONSIST OF THE SANITARY SEWER EXTENSION OF FORCE MAIN AND GRAVITY LINE AS WELL AS THE WATER LINE EXTENSIONS TO THE PROPERTY AND TO CONNECT WITH THE EXISTING LINE IN RONALD REAGAN BLVD.
2. THE PRIVATE IMPROVEMENTS CONSIST OF ALL UTILITY CONNECTIONS TO THE SITE AS WELL AS THE STORM IMPROVEMENTS.

CERTIFICATION BLOCK


ENGINEER'S SEAL

ENGINEER'S SIGNATURE

SCALE:	CLIENT NAME:	
DATE: 08/31/2022	REV. #	REVISION DATE & DESCRIPTION
JOB NO.: 068923600		
JOB NAME: ODYSSEY-LEANDER		
DRAWN: MMH	CHK: KWC	
REV:		
AFE NO:		

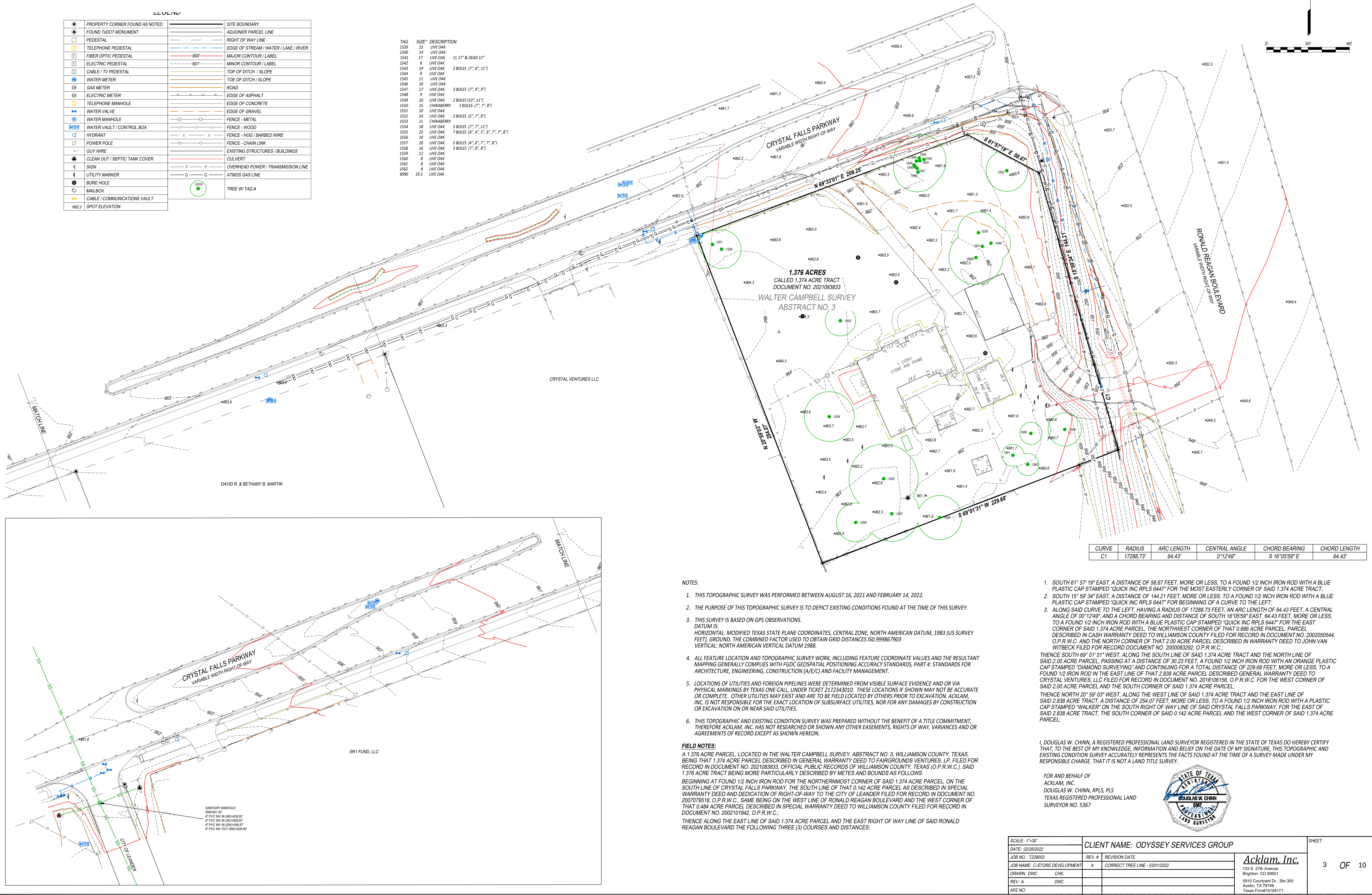

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11700 KATY FWY. SUITE 800, HOUSTON, TX 77079
WWW.KIMLEY-HORN.COM
GEO. ENG. REGISTRATION # 11488

SHEET:

1 OF 10

TOPOGRAPHIC AND EXISTING CONDITION SURVEY

A 1.376 ACRE TRACT OF LAND, LOCATED IN THE WALTER CAMPBELL SURVEY, ABSTRACT NO. 3, WILLIAMSON COUNTY, TEXAS, BEING ALL OF THAT 1.374 ACRE TRACT OF LAND AS DESCRIBED IN DOCUMENT NO. 2021083833, OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS.



NOTES:

- THIS TOPOGRAPHIC SURVEY WAS PERFORMED BETWEEN AUGUST 16, 2021 AND FEBRUARY 14, 2022.
- THE PURPOSE OF THIS TOPOGRAPHIC SURVEY IS TO DEPICT EXISTING CONDITIONS FOUND AT THE TIME OF THIS SURVEY.
- THIS SURVEY IS BASED ON GPS OBSERVATIONS.
DATUM IS:
HORIZONTAL: MODIFIED TEXAS STATE PLANE COORDINATES, CENTRAL ZONE, NORTH AMERICAN DATUM, 1983 (US SURVEY FEET), GROUND. THE COMBINED FACTOR USED TO OBTAIN GRID DISTANCES IS 0.999867903
VERTICAL: NORTH AMERICAN VERTICAL DATUM 1988.
- ALL FEATURE LOCATION AND TOPOGRAPHIC SURVEY WORK, INCLUDING FEATURE COORDINATE VALUES AND THE RESULTANT MAPPING GENERALLY COMPLIES WITH FGDC GEOSPATIAL POSITIONING ACCURACY STANDARDS, PART 4: STANDARDS FOR ARCHITECTURE, ENGINEERING, CONSTRUCTION (A/E/C) AND FACILITY MANAGEMENT.
- LOCATIONS OF UTILITIES AND FOREIGN PIPELINES WERE DETERMINED FROM VISIBLE SURFACE EVIDENCE AND OR VIA PHYSICAL MARKINGS BY TEXAS ONE-CALL, UNDER TICKET 2172343010. THESE LOCATIONS IF SHOWN MAY NOT BE ACCURATE OR COMPLETE. OTHER UTILITIES MAY EXIST AND ARE TO BE FIELD LOCATED BY OTHERS PRIOR TO EXCAVATION. ACKLAM, INC. IS NOT RESPONSIBLE FOR THE EXACT LOCATION OF SUBSURFACE UTILITIES, NOR FOR ANY DAMAGES BY CONSTRUCTION OR EXCAVATION ON OR NEAR SAID UTILITIES.
- THIS TOPOGRAPHIC AND EXISTING CONDITION SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT, THEREFORE ACKLAM, INC. HAS NOT RESEARCHED OR SHOWN ANY OTHER EASEMENTS, RIGHTS OF WAY, VARIANCES AND OR AGREEMENTS OF RECORD EXCEPT AS SHOWN HEREON.

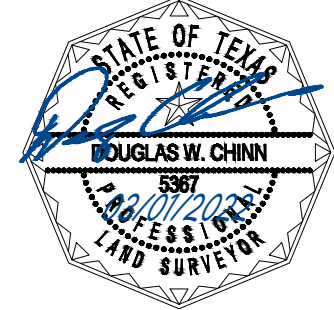
FIELD NOTES:

A 1.376 ACRE PARCEL, LOCATED IN THE WALTER CAMPBELL SURVEY, ABSTRACT NO. 3, WILLIAMSON COUNTY, TEXAS, BEING THAT 1.374 ACRE PARCEL DESCRIBED IN GENERAL WARRANTY DEED TO FAIRGROUNDS VENTURES, LP, FILED FOR RECORD IN DOCUMENT NO. 2021083833, OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS (O.P.R.W.C.). SAID 1.376 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
BEGINNING AT FOUND 1/2 INCH IRON ROD FOR THE NORTHERNMOST CORNER OF SAID 1.374 ACRE PARCEL, ON THE SOUTH LINE OF CRYSTAL FALLS PARKWAY, THE SOUTH LINE OF THAT 0.142 ACRE PARCEL AS DESCRIBED IN SPECIAL WARRANTY DEED AND DEDICATION OF RIGHT-OF-WAY TO THE CITY OF LEANDER FILED FOR RECORD IN DOCUMENT NO. 2007079518, O.P.R.W.C., SAME BEING ON THE WEST LINE OF RONALD REAGAN BOULEVARD AND THE WEST CORNER OF THAT 0.484 ACRE PARCEL DESCRIBED IN SPECIAL WARRANTY DEED TO WILLIAMSON COUNTY FILED FOR RECORD IN DOCUMENT NO. 2002101942, O.P.R.W.C.;
THENCE ALONG THE EAST LINE OF SAID 1.374 ACRE PARCEL AND THE EAST RIGHT OF WAY LINE OF SAID RONALD REAGAN BOULEVARD THE FOLLOWING THREE (3) COURSES AND DISTANCES:

- SOUTH 61° 57' 19" EAST, A DISTANCE OF 58.67 FEET, MORE OR LESS, TO A FOUND 1/2 INCH IRON ROD WITH A BLUE PLASTIC CAP STAMPED "QUICK INC RPLS 6447" FOR THE MOST EASTERLY CORNER OF SAID 1.374 ACRE TRACT;
- SOUTH 15° 59' 34" EAST, A DISTANCE OF 144.21 FEET, MORE OR LESS, TO A FOUND 1/2 INCH IRON ROD WITH A BLUE PLASTIC CAP STAMPED "QUICK INC RPLS 6447" FOR BEGINNING OF A CURVE TO THE LEFT;
- ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 17288.73 FEET, AN ARC LENGTH OF 64.43 FEET, A CENTRAL ANGLE OF 0° 12' 49", AND A CHORD BEARING AND DISTANCE OF SOUTH 16° 05' 59" EAST, 64.43 FEET, MORE OR LESS, TO A FOUND 1/2 INCH IRON ROD WITH A BLUE PLASTIC CAP STAMPED "QUICK INC RPLS 6447" FOR THE EAST CORNER OF SAID 1.374 ACRE PARCEL, THE NORTHWEST CORNER OF THAT 0.886 ACRE PARCEL, PARCEL DESCRIBED IN CASH WARRANTY DEED TO WILLIAMSON COUNTY FILED FOR RECORD IN DOCUMENT NO. 2002050544, O.P.R.W.C. AND THE NORTH CORNER OF THAT 2.00 ACRE PARCEL DESCRIBED IN WARRANTY DEED TO JOHN VAN WITBECK FILED FOR RECORD DOCUMENT NO. 2000083292, O.P.R.W.C.;
THENCE SOUTH 68° 01' 31" WEST, ALONG THE SOUTH LINE OF SAID 1.374 ACRE TRACT AND THE NORTH LINE OF SAID 2.00 ACRE PARCEL, PASSING AT A DISTANCE OF 30.23 FEET, A FOUND 1/2 INCH IRON ROD WITH AN ORANGE PLASTIC CAP STAMPED "DIAMOND SURVEYING" AND CONTINUING FOR A TOTAL DISTANCE OF 229.68 FEET, MORE OR LESS, TO A FOUND 1/2 INCH IRON ROD IN THE EAST LINE OF THAT 2.838 ACRE PARCEL DESCRIBED GENERAL WARRANTY DEED TO CRYSTAL VENTURES, LLC FILED FOR RECORD IN DOCUMENT NO. 2018106156, O.P.R.W.C. FOR THE WEST CORNER OF SAID 2.00 ACRE PARCEL AND THE SOUTH CORNER OF SAID 1.374 ACRE PARCEL;
THENCE NORTH 20° 59' 03" WEST, ALONG THE WEST LINE OF SAID 1.374 ACRE TRACT AND THE EAST LINE OF SAID 2.838 ACRE TRACT, A DISTANCE OF 254.07 FEET, MORE OR LESS, TO A FOUND 1/2 INCH IRON ROD WITH A PLASTIC CAP STAMPED "WALKER" ON THE SOUTH RIGHT OF WAY LINE OF SAID CRYSTAL FALLS PARKWAY, FOR THE EAST OF SAID 2.838 ACRE TRACT, THE SOUTH CORNER OF SAID 0.142 ACRE PARCEL AND THE WEST CORNER OF SAID 1.374 ACRE PARCEL;

I, DOUGLAS W. CHINN, A REGISTERED PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF TEXAS DO HEREBY CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF ON THE DATE OF MY SIGNATURE, THIS TOPOGRAPHIC AND EXISTING CONDITION SURVEY ACCURATELY REPRESENTS THE FACTS FOUND AT THE TIME OF A SURVEY MADE UNDER MY RESPONSIBLE CHARGE. THAT IT IS NOT A LAND TITLE SURVEY.

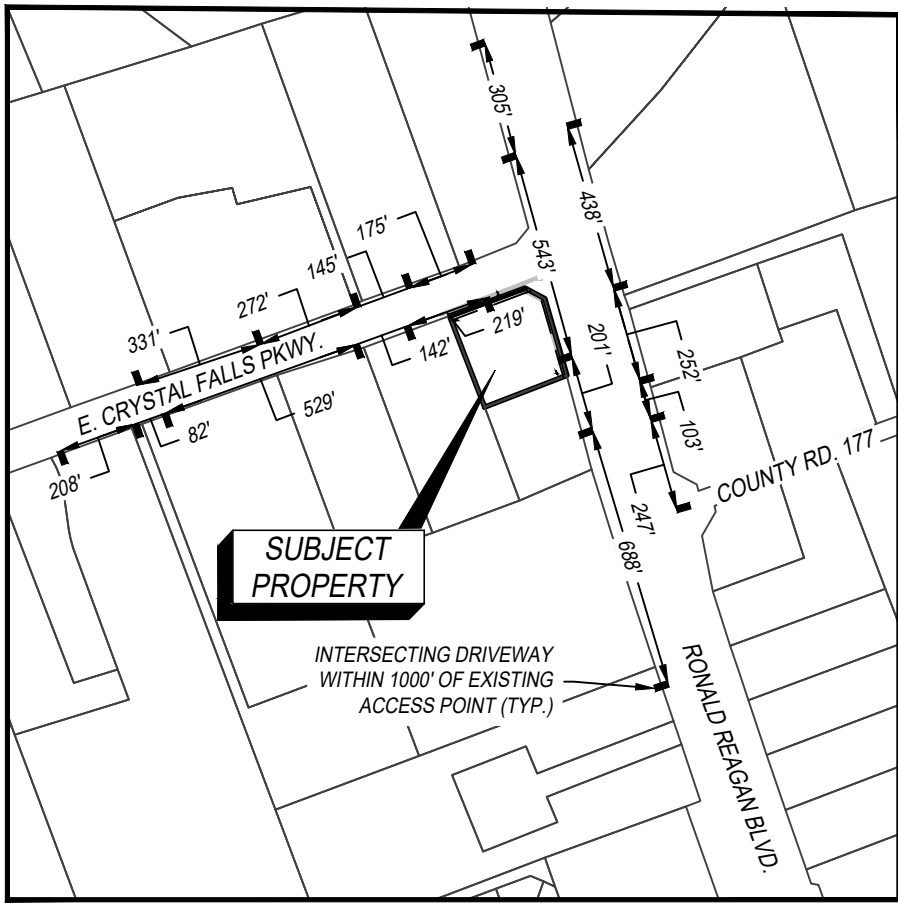
FOR AND BEHALF OF
ACKLAM, INC.
DOUGLAS W. CHINN, RPLS, PLS
TEXAS REGISTERED PROFESSIONAL LAND
SURVEYOR NO. 5367



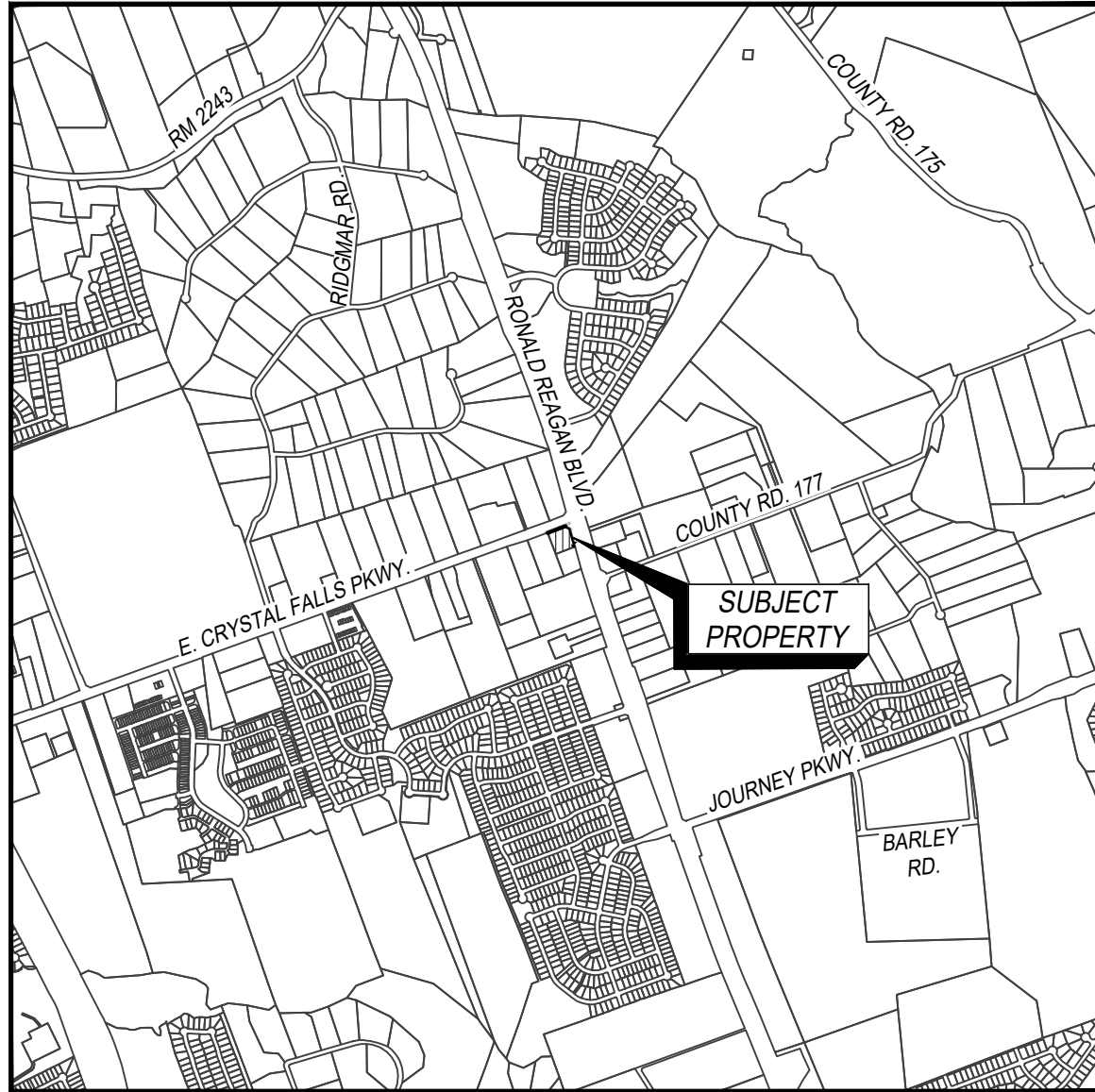
SCALE: 1"=30'	CLIENT NAME: ODYSSEY SERVICES GROUP	SHEET:
DATE: 02/28/2022	REV. # REVISION DATE	
JOB NO.: T229003	A CORRECT TREE LINE - 03/01/2022	
JOB NAME: C-STORE DEVELOPMENT		
DRAWN: DWG CHK		
REV: A DWG		
APP: NO		
Acklam, Inc.		3 OF 10
133 S. 27th Avenue Brighton, CO 80601 5910 Courtyard Dr., Ste. 300 Austin, TX 78746 Texas Firm#10154171		

LAKE'S LAIR SUBDIVISION

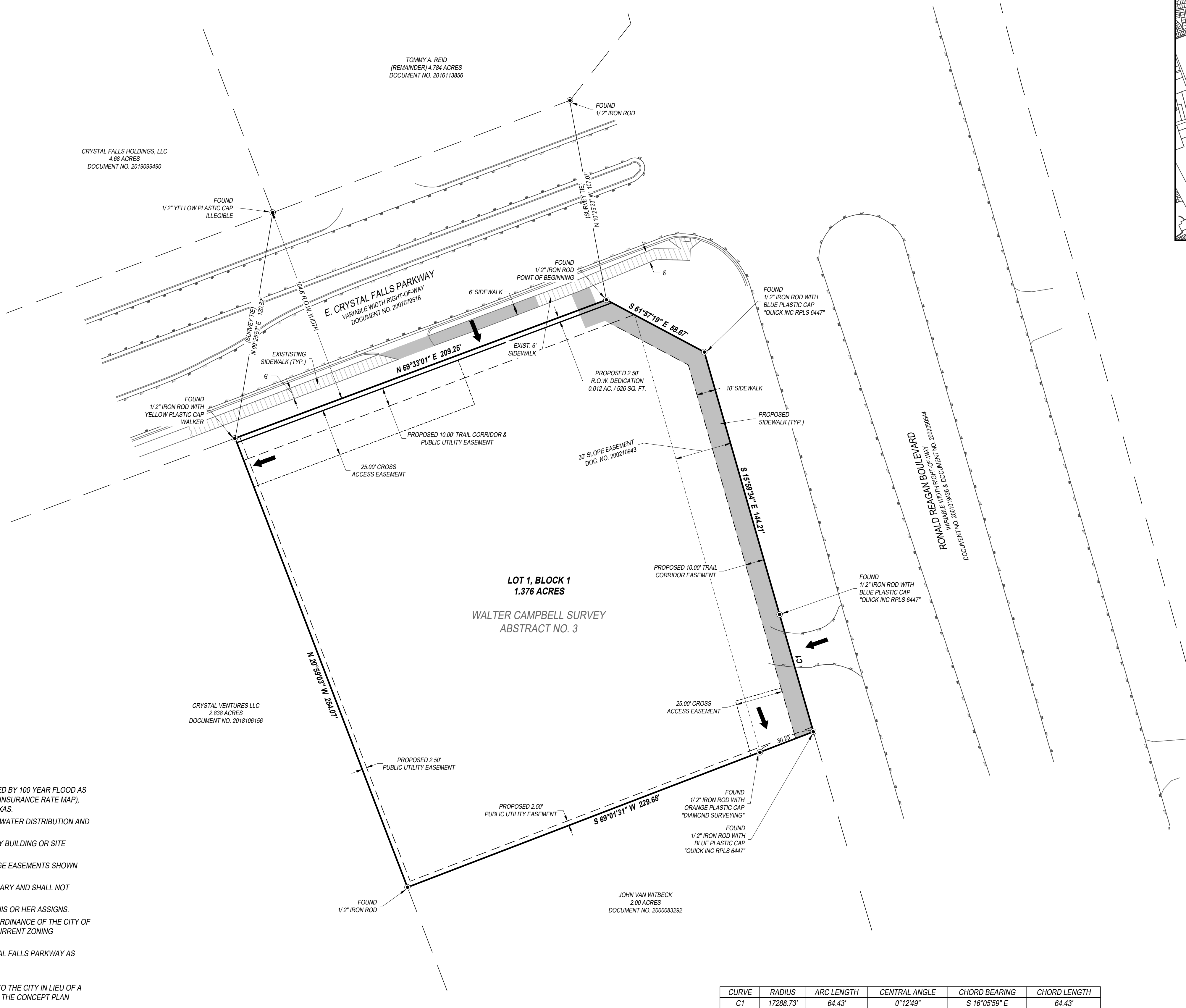
1.376 ACRE PARCEL, LOCATED IN THE WALTER CAMPBELL SURVEY, ABSTRACT NO. 3, WILLIAMSON COUNTY, TEXAS.



DRIVE WAY DETAILS
1"=50.0'



VICINITY MAP
1"=2000'



LEGEND	
	PROPERTY CORNER FOUND AS NOTED
	SITE BOUNDARY
	ADJOINER PARCEL LINE
	PROPOSED PUBLIC UTILITY EASEMENT
	CONCRETE CURB AND GUTTER
	EDGE OF ASPHALT
	EDGE OF CONCRETE
	PROPOSED ACCESS ARROW

NOTES:

PLAT NOTES:

- NO LOT IN THIS SUBDIVISION IS ENCRONCHED BY ANY SPECIAL FLOOD HAZARD AREAS INUNDATED BY 100 YEAR FLOOD AS IDENTIFIED BY THE U.S. FEDERAL EMERGENCY MANAGEMENT AGENCY BOUNDARY MAP, (FLOOD INSURANCE RATE MAP), COMMUNITY PANEL NO. 48491C0460F, EFFECTIVE DATE 12/20/2019 FOR WILLIAMSON COUNTY, TEXAS.
- NO LOT IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO HER CITY OF LEANDER WATER DISTRIBUTION AND WASTEWATER CONNECTION FACILITIES.
- A BUILDING PERMIT IS REQUIRED FROM THE CITY OF LEANDER PRIOR TO CONSTRUCTION OF ANY BUILDING OR SITE IMPROVEMENTS ON ANY LOT IN THIS SUBDIVISION.
- NO BUILDING, FENCES, LANDSCAPING OR OTHER STRUCTURES ARE PERMITTED WITHIN DRAINAGE EASEMENTS SHOWN HEREON, EXCEPT AS APPROVED BY THE CITY OF LEANDER PUBLIC WORKS DEPARTMENT.
- PROPERTY OWNER SHALL PROVIDE FOR ACCESS TO DRAINAGE EASEMENTS AS MAY BE NECESSARY AND SHALL NOT PROHIBIT ACCESS BY THE CITY OF LEANDER.
- ALL EASEMENTS ON PRIVATE PROPERTY SHALL BE MAINTAINED BY THE PROPERTY OWNER OR HIS OR HER ASSIGNS.
- BUILDING SETBACKS NOT SHOWN HERE ON SHALL COMPLY WITH THE MOST CURRENT ZONING ORDINANCE OF THE CITY OF LEANDER. ADDITIONAL RESIDENTIAL GARAGE SETBACKS MAY BE REQUIRED AS LISTED IN THE CURRENT ZONING ORDINANCE.
- 6 FOOT SIDEWALKS SHALL BE INSTALLED/RESTORED ON THE SUBDIVISION SIDE OF EAST CRYSTAL FALLS PARKWAY AS DEPICTED BY SIDEWALK DOTS SHOWN HEREON.
- ALL UTILITY LINES MUST BE LOCATED UNDERGROUND.
- AT THE TIME OF THE SITE DEVELOPMENT PERMIT, THE APPLICATION WILL PROVIDE A PAYMENT TO THE CITY IN LIEU OF A TRAFFIC IMPACT ANALYSIS (TIA), UNLESS A TIA FOR THE ENTIRE DEVELOPMENT IS PROPOSED IN THE CONCEPT PLAN INDICATES THAT AVERAGE DAILY TRIPS ARE ESTIMATED BELOW 2000.
- IN ADDITION TO THE EASEMENTS SHOWN HEREON, A 10-FOOT PUBLIC UTILITY EASEMENT IS DEDICATED ALONG ALL STREET FRONTAGES WITHIN THIS PLAT.
- APPROVAL OF THIS FINAL PLAT DOES NOT CONSTITUTE THE APPROVAL OF VARIANCES OR WAIVERS TO ORDINANCE REQUIREMENTS.
- IT IS THE RESPONSIBILITY OF THE OWNER, NOT THE CITY, TO ASSURE COMPLIANCE WITH THE PROVISIONS OF ALL APPLICABLE STATE, FEDERAL, AND LOCAL LAWS AND REGULATIONS RELATING TO THE PLATTING AND DEVELOPMENT OF THIS PROPERTY.
- THIS PARCEL IS SUBJECT TO A BLANKET EASEMENT TO BRUSHY CREEK WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1, FILED FOR RECORD IN VOLUME 433, AT PAGE 690, DEED RECORDS OF WILLIAMSON COUNTY, TEXAS (D.R.W.C.).
- THIS PARCEL IS SUBJECT TO A BLANKET EASEMENT TO BRUSHY CREEK WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1, FILED FOR RECORD IN VOLUME 442, AT PAGE 433, DEED RECORDS OF WILLIAMSON COUNTY, TEXAS (D.R.W.C.).
- THIS PARCEL IS SUBJECT TO THAT SLOPE EASEMENT TO WILLIAMSON COUNTY FILED FOR RECORD IN DOCUMENT NO. 2002101943, O.P.R.W.C. AND IS SHOWN HEREON.
- AS PART OF THIS DEVELOPMENT A 180' FOOT LONG DECELERATION LANE ALONG RONALD REAGAN BLVD. IS PROPOSED.

CURVE	RADIUS	ARC LENGTH	CENTRAL ANGLE	CHORD BEARING	CHORD LENGTH
C1	17288.73'	64.43'	0°12'49"	S 16°05'59" E	64.43'

OWNER:

FAIRGROUNDS VENTURES, LP
1022 COLUMBIA STREET
HOUSTON, TX 77008

NUMBER OF LOTS - 1

NUMBER OF BLOCKS - 1, 1.376 ACRES
(59,926 SQUARE FEET)
ROW - 0.00' - NO ROW DEDICATION

ENGINEERS:

ODYSSEY SERVICES GROUP, LLC
9540 GARLAND RD, SUITE 381-188
DALLAS, TX 75218

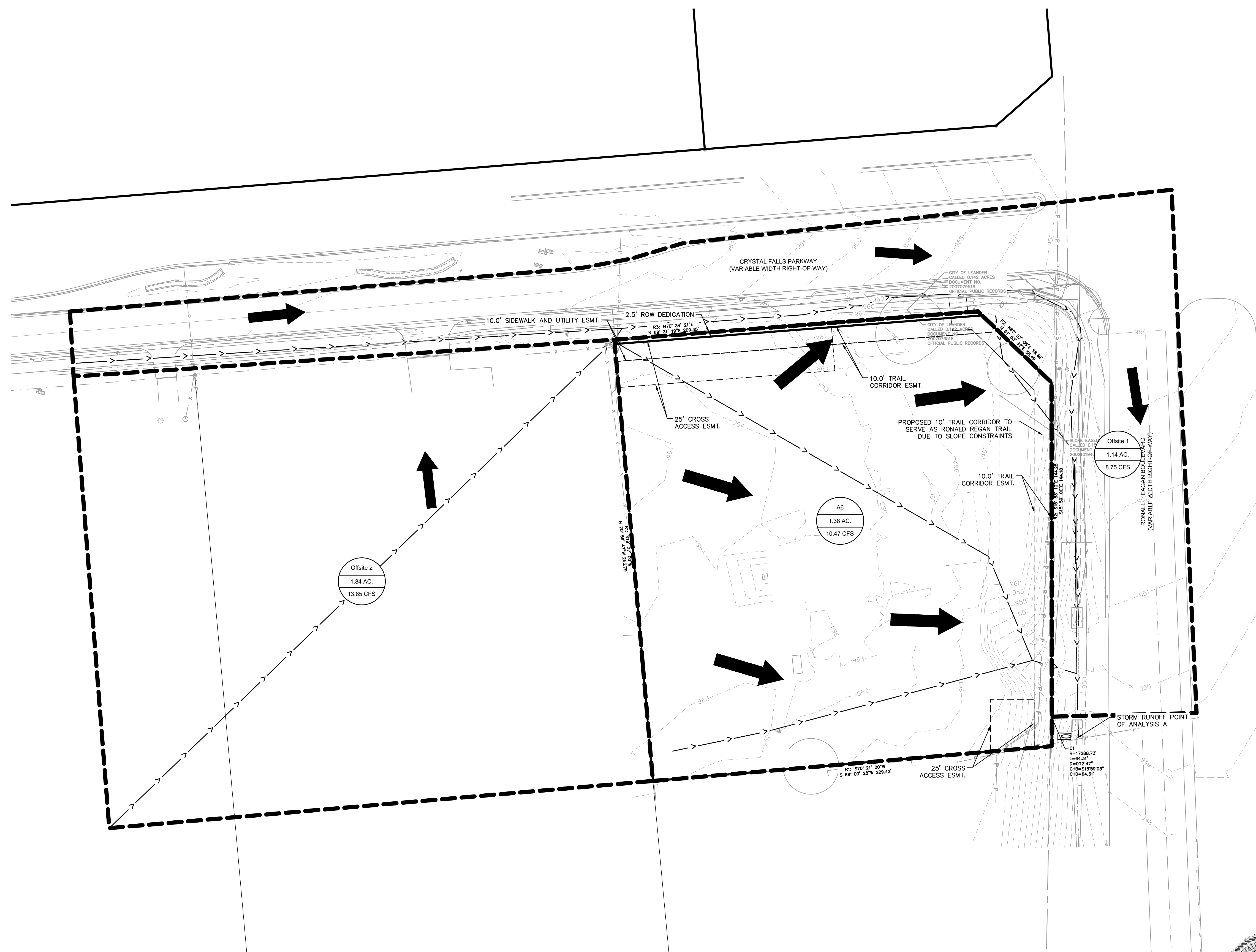
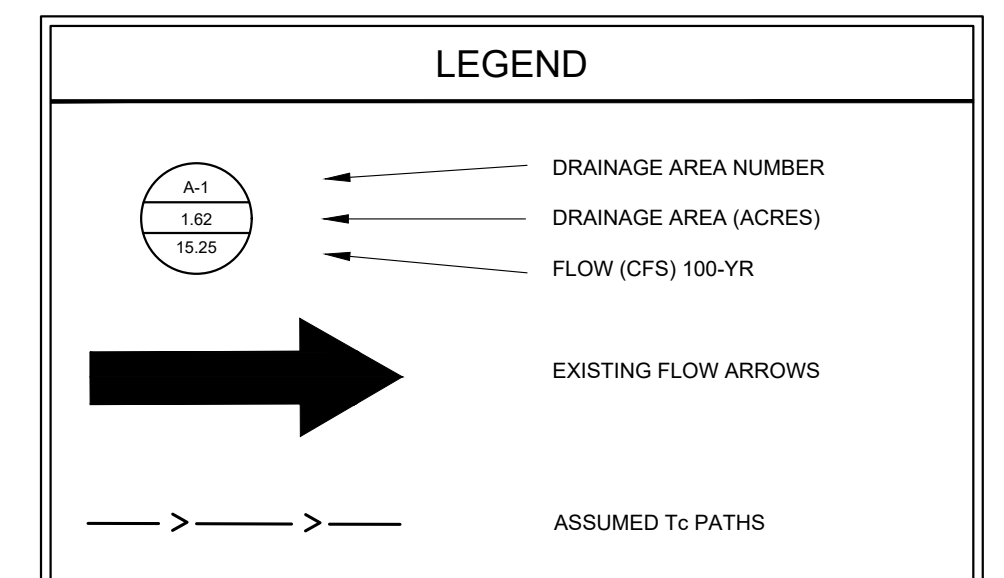
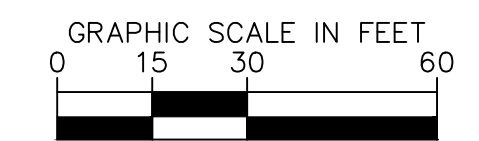
SURVEYORS:

ACKLAM, INC.
11713 SHOREVIEW OVERLOOK
AUSTIN, TX 78732

SURVEY:

WALTER CAMPBELL SURVEY, ABSTRACT
NO. 3, WILLIAMSON COUNTY, TEXAS

SCALE: 1"=30'	CLIENT NAME: ODESSEY SERVICES GROUP, LLC	SHEET:
DATE: 02/14/2022	REV. # 1 REVISION DATE	
JOB NO.: T229003		
JOB NAME: JOB NAME		
DRAWN: JAH	CHK: DWC	
REV:		
APP NO:		
Acklam, Inc.		4 OF 6
133 S. 27th Avenue Brighton, CO 80601 11713 Shoreview Overlook Austin, TX 78732 Texas Firm#101541171		



EXISTING FLOW CONDITIONS



Know what's **below**.
Call before you dig.

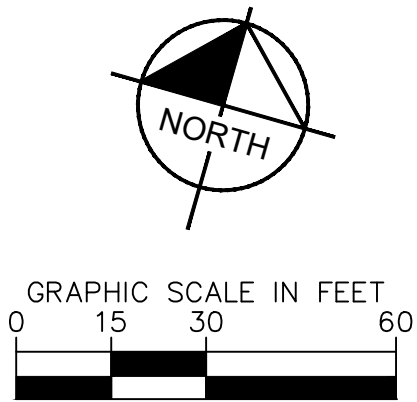
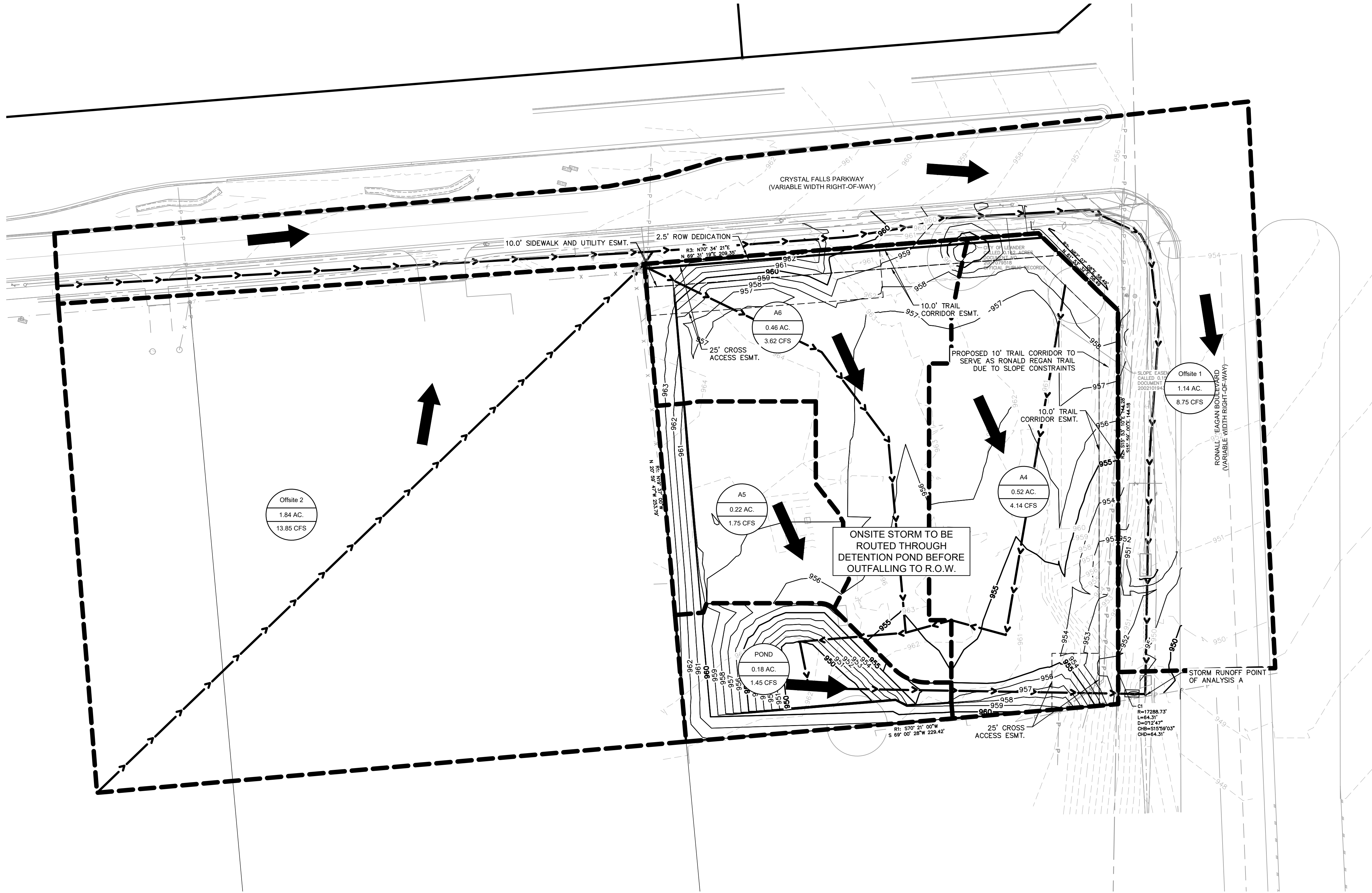
CAUTION!!

EXISTING UNDERGROUND UTILITIES IN THE AREA CONTRACTOR IS RESPONSIBLE FOR DETERMINING THE HORIZONTAL AND VERTICAL LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY REPAIRS TO EXISTING UTILITIES DUE TO DAMAGE INCURRED DURING CONSTRUCTION. CONTRACTOR SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES ON THE PLANS.



SCALE:		CLIENT NAME:		Kimley»Horn 10101 KIMLEY-HORN ASSOCIATES, INC. 1700 EAST PEORIA STREET, SUITE 200, AUSTIN, TX 78751 PHONE: 512-351-8300 WWW.KH-USA.COM/CONTACTUS KHA 00000000000000000000000000000000	SHEET:
DATE: 08/31/2022		REV. # REVISION DATE & DESCRIPTION			
JOB NO: 068923000					
JOB NAME: ODYSSEY-LEANDER					
DRAWN: MMH CHK: KWC					
REV:					
A/E NO:				5 OF 10	

FILE: K:\HOU_CIVIL\068022600-COYSEY LEANDER C-STORY\CAD\EXHIBITS\PLAT RESUBMITTAL\EXISTING FLOW CONDITIONS SHEET.DWG PLOTTED: Aug 31, 2022 2:13pm



LEGEND

- DRAINAGE AREA NUMBER
- DRAINAGE AREA (ACRES)
- FLOW (CFS) 100-YR
- FLOW ARROWS
- ASSUMED Tc PATHS

Summary Results for Reservoir "Basin"

Project: OdysseyLeander Simulation Run: PROPOSED_100YR
Reservoir: Basin

Start of Run: 01Jan2022, 00:00 Basin Model: Proposed
End of Run: 03Jan2022, 00:00 Meteorologic Model: 100-YR
Compute Time: 08Aug2022, 10:20:50 Control Specifications: 48HR

Volume Units: ☒ IN ☐ ACRE-FT

Computed Results

Peak Inflow: 18.9 (CFS)	Date/Time of Peak Inflow: 01Jan2022, 12:04
Peak Discharge: 7.3 (CFS)	Date/Time of Peak Discharge: 01Jan2022, 12:13
Inflow Volume: 10.89 (B)	Peak Storage: 0.24 (ACRE-FT)
Discharge Volume: 10.89 (B)	Peak Elevation: 954.9 (FT)

PROPOSED FLOW
CONDITIONS

Global Summary Results for Run "EXISTING_100YR"

Project: OdysseyLeander Simulation Run: EXISTING_100YR

Start of Run: 01Jan2022, 00:00 Basin Model: Existing
End of Run: 03Jan2022, 00:00 Meteorologic Model: 100-YR
Compute Time: 20Aug2022, 13:07:16 Control Specifications: 48HR

Show Elements: All Elements Volume Units: ☒ IN ☐ ACRE-FT Sorting: Hydrologic

Hydrologic Element	Drainage Area (MI2)	Peak Discharge (CFS)	Time of Peak	Volume (B)
Offsite	0.004656	28.0	01Jan2022, 12:11	10.89
Site	0.002156	15.7	01Jan2022, 12:07	10.64
Outfall	0.006812	41.8	01Jan2022, 12:09	10.81

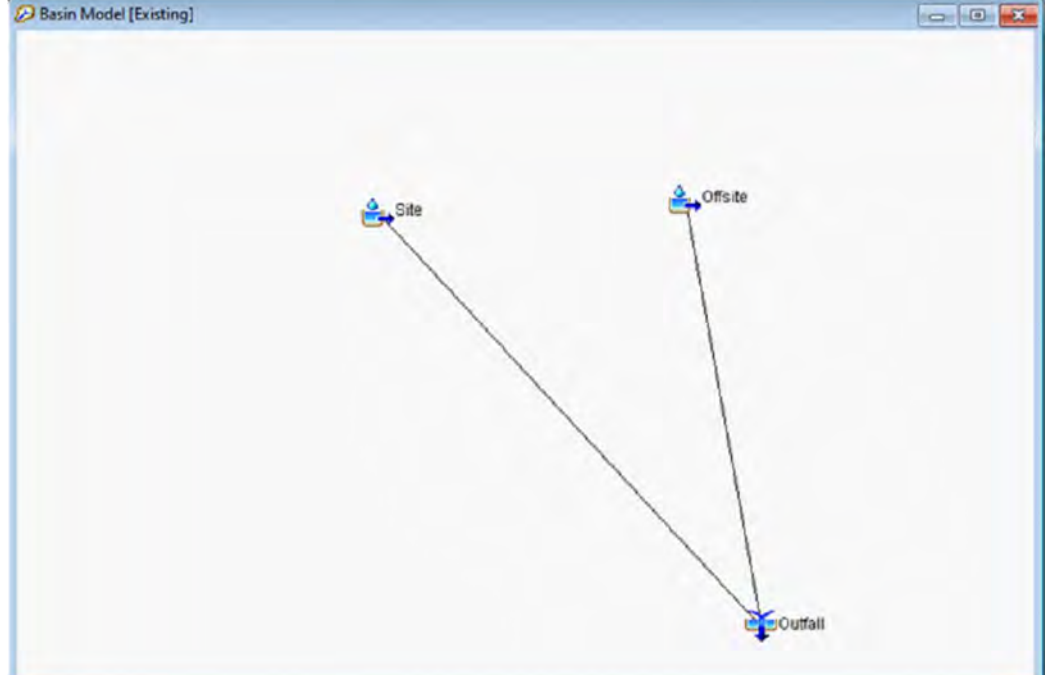
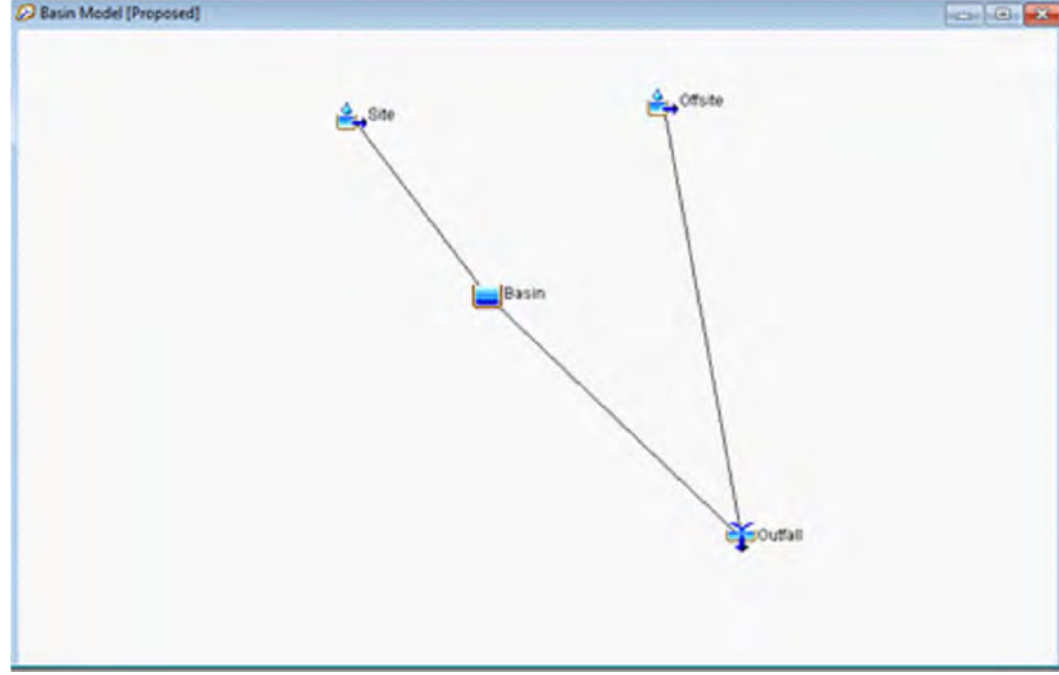
Global Summary Results for Run "PROPOSED_100YR"

Project: OdysseyLeander Simulation Run: PROPOSED_100YR

Start of Run: 01Jan2022, 00:00 Basin Model: Proposed
End of Run: 03Jan2022, 00:00 Meteorologic Model: 100-YR
Compute Time: 08Aug2022, 10:20:50 Control Specifications: 48HR

Show Elements: All Elements Volume Units: ☒ IN ☐ ACRE-FT Sorting: Hydrologic

Hydrologic Element	Drainage Area (MI2)	Peak Discharge (CFS)	Time of Peak	Volume (B)
Site	0.002156	18.9	01Jan2022, 12:04	10.89
Offsite	0.004656	28.0	01Jan2022, 12:11	10.89
Basin	0.002156	7.3	01Jan2022, 12:13	10.89
Outfall	0.006812	35.3	01Jan2022, 12:11	10.89

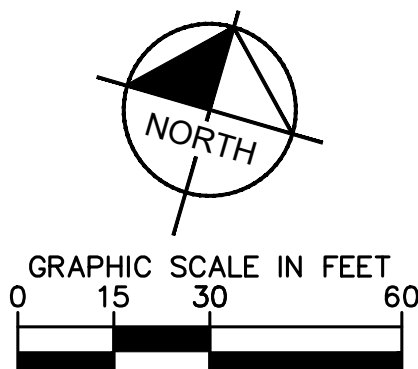
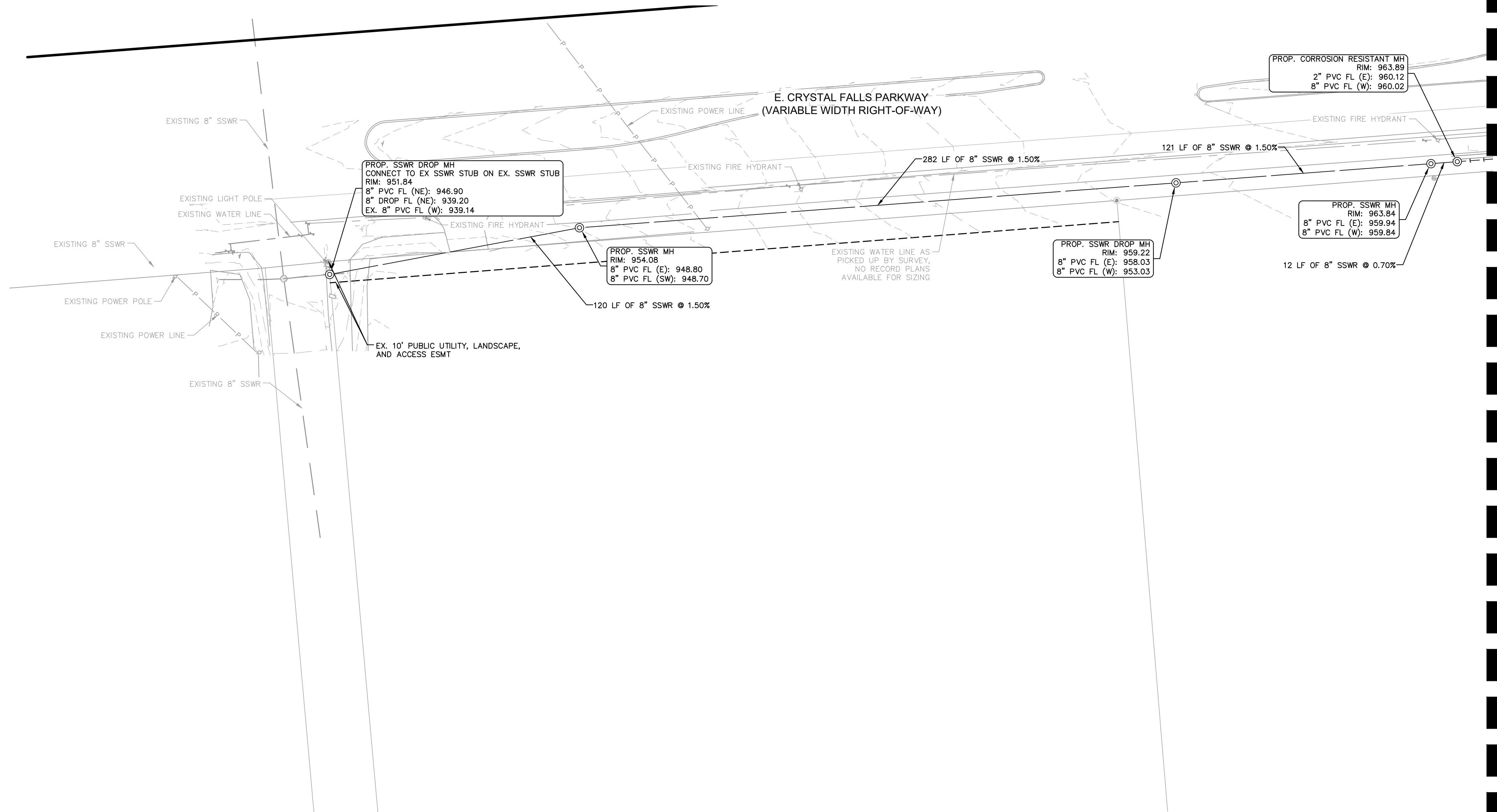


CAUTION!!

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SCALE:	CLIENT NAME:	SHEET:
DATE: 08/31/2022	REV. # REVISION DATE & DESCRIPTION	6 OF 10
JOB NO.: 068923600		
JOB NAME: ODYSSEY-LEANDER		
DRAWN: MMH CHK: KWC		
REV:		
AFE NO:		

Kimley»Horn



LEGEND	
	PROPERTY LINE
	PROPOSED UTILITY EASEMENT
	EXISTING UTILITY EASEMENT
	PROPOSED STORM LINE
	PROPOSED GRATE INLET
	PROPOSED WATER LINE
	PROPOSED SSWR LINE
	PROPOSED SSWR FORCE MAIN
	PROPOSED SSWR MANHOLE
	PROPOSED FIRE HYDRANT
	PROPOSED WATER VALVE
	EXISTING GAS LINE
	EXISTING OVERHEAD POWER LINE
	EXISTING SSWR LINE
	EXISTING WATERLINE
	EXISTING STORM SEWER LINE
	EXISTING CONTOUR
	PROPOSED CONTOUR

UTILITY DEMAND DATA	
THE LUE BREAKDOWN IS AS FOLLOWS	
- 2" DOMESTIC METER = 8 LUE	
- 1" IRRIGATION METER = 2 LUE	
THE SITE IS ANTICIPATED TO USE 950 GALLONS PER DAY OF WATER AND WASTEWATER	

WASTEWATER
IMPROVEMENTS (1 OF 2)



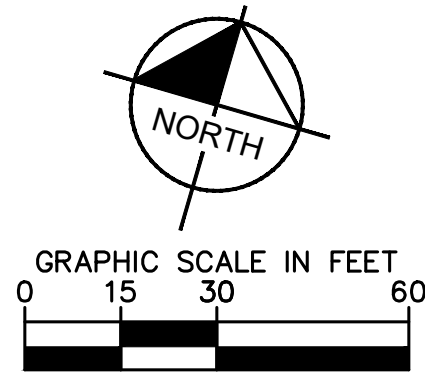
CAUTION!!

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SCALE:		CLIENT NAME:			Kimley»Horn ©2002 KIMLEY-HORN AND ASSOCIATES, INC. 11700 KATY FREEDOM, SUITE 800, HOUSTON, TX 77059 WWW.KIMLEY-HORN.COM NEW YORK, NEW YORK 10017-1108	SHEET: 7 OF 10
DATE: 08/31/2022						
JOB NO.: 068923600		REV. #	REVISION DATE & DESCRIPTION			
JOB NAME: ODYSSEY-LEANDER						
DRAWN: MMH CHK: KWC						
REV:						
AFF NO:						

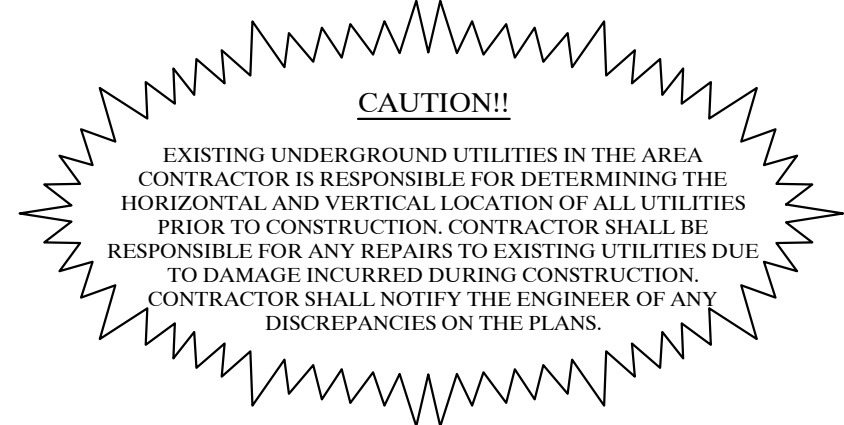
MATCH LINE SEE SHEET 7



LEGEND	
	PROPERTY LINE
	PROPOSED UTILITY EASEMENT
	EXISTING UTILITY EASEMENT
	PROPOSED STORM LINE
	PROPOSED GRATE INLET
	PROPOSED WATER LINE
	PROPOSED SSWR LINE
	PROPOSED SSWR FORCE MAIN
	PROPOSED SSWR MANHOLE
	PROPOSED FIRE HYDRANT
	PROPOSED WATER VALVE
	EXISTING GAS LINE
	EXISTING OVERHEAD POWER LINE
	EXISTING SSWR LINE
	EXISTING WATERLINE
	EXISTING STORM SEWER LINE
	EXISTING CONTOUR
	PROPOSED CONTOUR

UTILITY DEMAND DATA	
THE LUE BREAKDOWN IS AS FOLLOWS	
- 2" DOMESTIC METER = 8 LUE	
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THE SITE IS ANTICIPATED TO USE 950 GALLONS PER DAY OF WATER AND WASTEWATER	

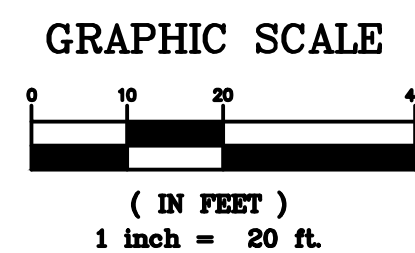
WASTEWATER
IMPROVEMENTS (2 OF 2)



SCALE:		CLIENT NAME:		Kimley»Horn ©2022 KIMLEY-HORN AND ASSOCIATES, INC. 11700 KATY FREEDOM, SUITE 800, HOUSTON, TX 77059 WWW.KIMLEY-HORN.COM PHONE: 281-387-3300 FAX: 281-387-3300 EMAIL: PAPER_REGISTRATION@K-H.COM	SHEET:
DATE: 08/31/2022					
JOB NO: 068823600		REV. #	REVISION DATE & DESCRIPTION		
JOB NAME: ODYSSEY-LEANDER					
DRAWN: MMH CHK: KWC					
REV:					
APE NO:					

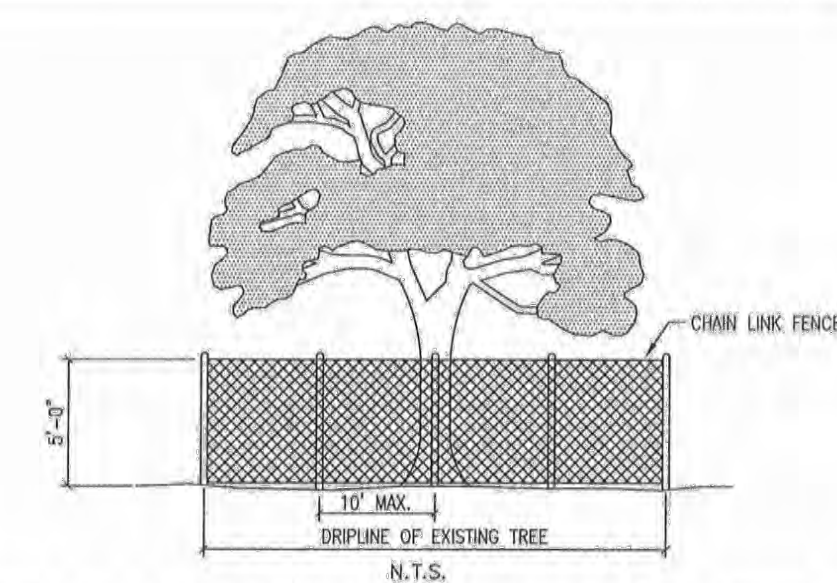


RONALD REAGAN BLVD



TREE #	CALIPER (INCHES)	TREE SPECIES	NOTES	STATUS	PRESERVED CALIPER (IN.)	REMOVED CALIPER (IN.)	MITIGATION MULTIPLIER	MITIGATION REQUIRED
1539	15	Live Oak		Preserve	15		1	0
1540	14	Live Oak		Preserve	14		1	0
1541	17	Live Oak	2 Boles Live 17", Dead 12"	Preserve	17		1	0
1542	8	Live Oak		Preserve	8		1	0
1543	19	Live Oak	3 Boles (7, 8, 11)	Preserve	19		2	0
1544	9	Live Oak		Preserve	9		1	0
1545	11	Live Oak		Preserve	11		1	0
1546	10	Live Oak		Preserve	10		1	0
1547	17	Live Oak	3 Boles (7, 9, 9)	Preserve	17		1	0
1548	9	Live Oak		Preserve	9		1	0
1549	16	Live Oak	2 Boles (10, 11)	Preserve	16		1	0
1550	15	China Berry	3 Boles (7, 7, 8)	Remove	0		1	0
1551	10	Live Oak		Preserve	10		1	0
1552	14	Live Oak	3 Boles (5, 7, 8)	Preserve	14		1	0
1553	11	China Berry		Remove	0		1	0
1554	18	Live Oak	3 Boles (7, 7, 11)	Preserve	18		1	0
1555	25	Live Oak	7 Boles (4, 4, 5, 6, 7, 7, 8)	Preserve	25		2	0
1556	14	Live Oak		Preserve	14		1	0
1557	20	Live Oak	5 Boles (4, 6, 7, 7, 8)	Preserve	20		2	0
1558	16	Live Oak	3 Boles (7, 8, 8)	Preserve	16		1	0
1559	12	Live Oak		Preserve	12		1	0
1560	8	Live Oak		Preserve	8		1	0
1561	8	Live Oak		Preserve	8		1	0
1562	8	Live Oak		Preserve	8		1	0
8990	19.5	Live Oak		Preserve	19.5		2	0
TOTAL	343.5				318	0		0

*NO HERITAGE TREES PROPOSED FOR REMOVAL.



1. TREE PROTECTION FENCES SHALL BE INSTALLED PRIOR TO THE COMMENCEMENT OF ANY SITE PREPARATION WORK (CLEARING, GRUBBING OR GRADING).
2. FENCES SHALL COMPLETELY SURROUND THE TREE, OR CLUSTERS OF TREES; SHALL BE LOCATED AT THE OUTERMOST LIMIT OF THE TREE BRANCHES (DRIFLINE), AND SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PROJECT IN ORDER TO PREVENT THE FOLLOWING:
 - A. SOIL COMPACTION IN THE ROOT ZONE AREA RESULTING FROM VEHICULAR TRAFFIC, OR STORAGE OF EQUIPMENT OR MATERIALS.
 - B. ROOT ZONE DISTURBANCES DUE TO GRADE CHANGES (GREATER THAN SIX INCHES (6")) CUT OR FILL, OR TRENCING NOT REVIEWED AND AUTHORIZED BY THE CITY.
 - C. WOUNDS TO EXPOSED ROOTS, TRUNKS OR LIMBS BY MECHANICAL EQUIPMENT.
 - D. OTHER ACTIVITIES DETRIMENTAL TO TREES, SUCH AS CHEMICAL STORAGE, CEMENT TRUCK CLEANING AND FIRE.
3. EXCEPTIONS TO INSTALLING FENCES ON TREE DRIFLINES MAY BE PERMITTED IN THE FOLLOWING CASES:
 - A. WHERE PERMEABLE PAVING IS TO BE INSTALLED, ERECT THE FENCE AT THE OUTER LIMITS OF THE PERMEABLE PAVING AREA.
 - B. WHERE TREES ARE CLOSE TO PROPOSED BUILDINGS, ERECT THE FENCE NO CLOSER THAN SIX FEET (6'-0") TO BUILDING.
4. CRITICAL ROOT ZONE REQUIREMENTS
 - A. NO CONSTRUCTION OR DISTURBANCE SHALL OCCUR WITHIN AN AREA THAT CONSTITUTES MORE THAN FIFTY (50%) OF THE TOTAL CRITICAL ROOT ZONE AND ONE HALF THE RADIAL DISTANCE OF THE CRITICAL ROOT ZONE FOR EACH TREE BEING PRESERVED INCLUDING SIGNIFICANT TREES, HERITAGE TREES, AND ANY OTHER TREES FOR WHICH PRESERVATION IS TO BE CREDITED. THE REMAINING CRITICAL ROOT ZONE SHALL CONSIST OF AT LEAST ONE HUNDRED (100) SQUARE FEET.
 - B. THIS DEFINED AREA SHALL BE FLAGGED AND ENCLOSED WITH PROTECTIVE FENCING THROUGHOUT CONSTRUCTION. THE FENCING SHALL BE LOCATED APPROXIMATELY FIFTY (50%) FEET FROM THE TRUNK AND ONE HALF THE RADIAL DISTANCE, DEPENDING ON THE SIZE, SPACING, OR SPECIES OF THE TREE, THE TYPE OF DISTURBANCE PROPOSED, AND UNIQUENESS OF THE SITUATION.
 - C. CUT OR FILL THAT IS GREATER THAN FOUR (4) INCHES IN DEPTH AND THE SEVERING OF MAJOR ROOTS SHALL BE CONSIDERED DISTURBANCE FOR THE PURPOSES OF THIS ORDINANCE.
 - D. WITHIN THE PROTECTED CRITICAL ROOT ZONE, ONLY FLATWORK, DECKING, OR SIMILAR CONSTRUCTION, MAY BE APPROVED AND SHALL NOT AFFECT THE DRAINAGE OF THE TREE.
 - E. IF PROPOSED OR ACTUAL PROTECTION OF THE CRITICAL ROOT ZONE OF A TREE DOES NOT MEET THE REQUIREMENTS OF THIS SECTION, THEN THE TREE SHALL BE CONSIDERED REMOVED AND SHALL REQUIRE MITIGATION IN ACCORDANCE WITH THIS ORDINANCE.



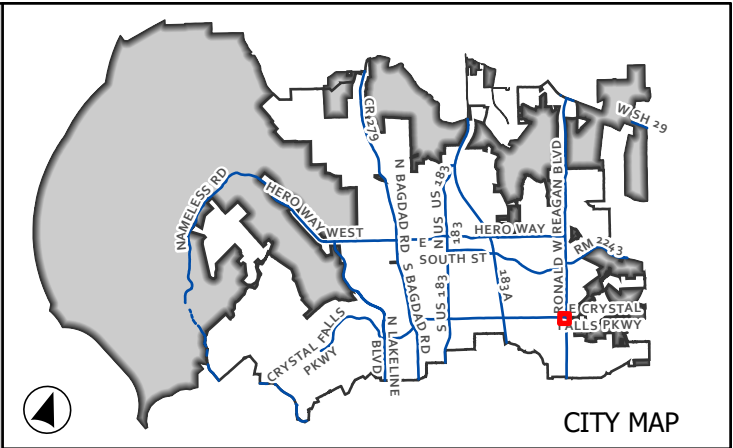
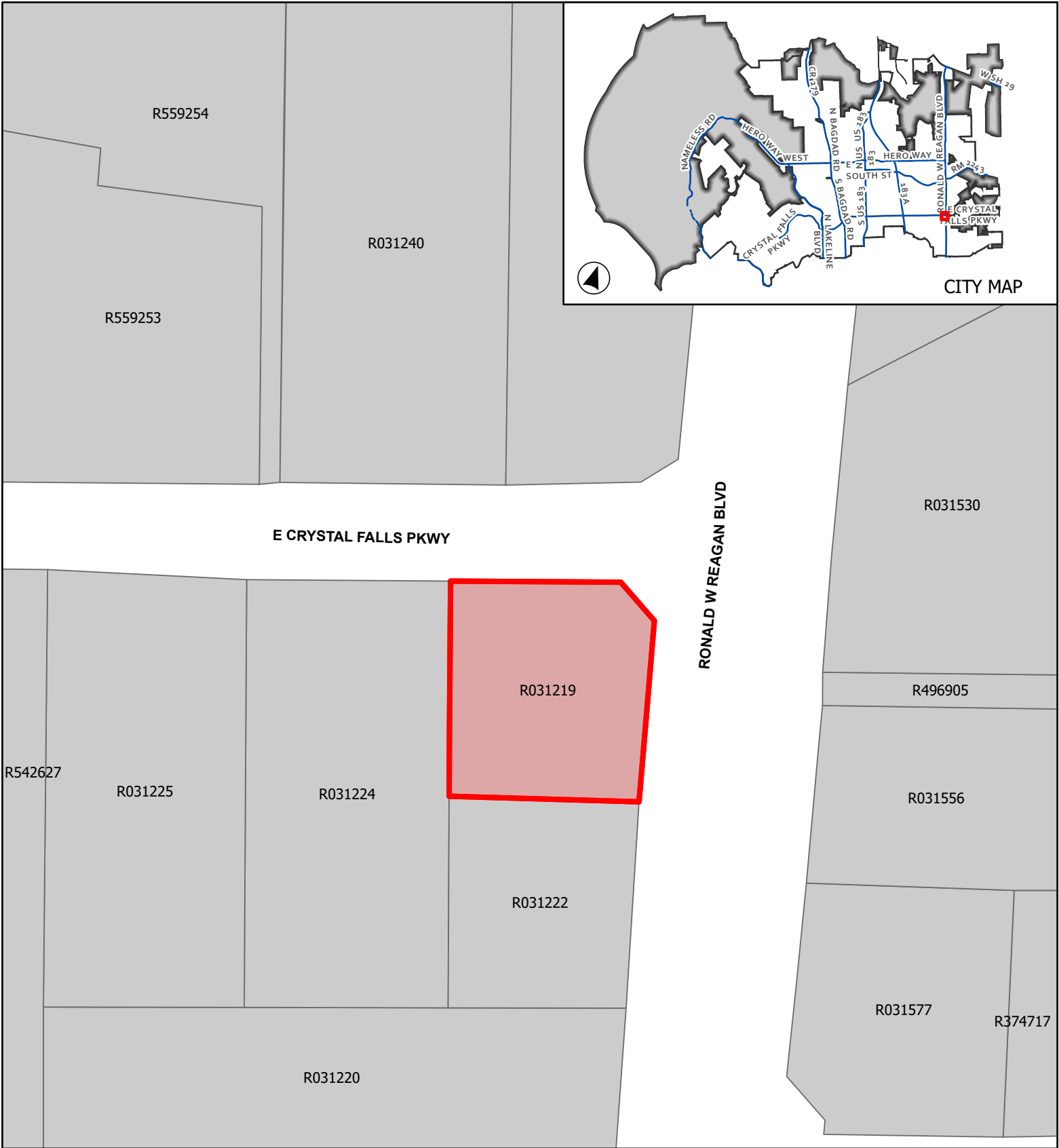
Wagner, J. W.
08/21/15

City Of Leander, Texas
303-2
TREE PROTECTION

08-09-2022

SCALE: 1" = 20'		LAKE'S LAIR		SHEET:
DATE: 06/23/22				
JOB NO.: #####		REV. #	REVISION DATE & DESCRIPTION	
JOB NAME: JOB NAME				
DRAWN: GUV	CHK: GUV			
REV:				
AFE NO.: #####				
LANDARCH STUDIO, LLC 480 CLOUD VIEW CT PROSPER, TX 75078 972-697-5677				10 OF 10

TREE PROTECTION PLAN



CASE: CP-22-0005

ATTACHMENT 2

LAKE'S LAIR SUBDIVISION
aka REFUEL LEANDER

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.

0 70 140

Feet

- Leander City Limits
- ETJ
- Site Location



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

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

October 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 p.m.
2. Roll Call.
All Commissioners were present except Vice Chair Mahan and Commissioner Hampton, Jr.
3. Director's report to the Planning & Zoning Commission on actions taken by the City Council at the October 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

6. Approval of Subdivision Case FP-21-00021 regarding The Enclave at Stewart Crossing Final Plat on one parcel of land approximately 20.69 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District parcel R031251; generally located southwest of the intersection of Raider Way and East Woodview Drive, Leander, Williamson County, Texas.
7. Approval of Subdivision Case FP-21-0023 regarding Rosenbusch Ranch Ph. 2 Final Plat on two parcels of land approximately 33.15 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R613615; generally located southeast of the intersection of Vista Ridge Dr. and Lakeline Blvd, Leander, Williamson County, Texas.

8. Approval of Subdivision Case PP-22-0014 regarding Gateway 29 Preliminary Plat on nine parcels of land approximately 31.932 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R464196, R319215, R534766, R534765, R418530, R620027, R403523, R534764, and R534763; generally located to the southwest of the intersection of SH 29 and Ronald W. Reagan Blvd., Leander, Williamson County, Texas.
9. 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.
10. Approval of Minutes.

Motion made by Commissioner May to approve the consent agenda items 6 through 10, seconded by Commissioner Lantrip.

5 - 0 Passed

PUBLIC HEARING: ACTION

11. Conduct a Public Hearing regarding Subdivision Case 22-CP-005 to adopt the Lake's Lair Concept Plan and Subdivision Case 22-PP-009 to adopt the Lake's Lair Preliminary Plat on one parcel of land approximately 1.376 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcel R031219; generally located at the south west corner of E. Crystal Falls Pkwy and Ronald W. Reagan Blvd., Leander, Williamson County, Texas.
 - Discuss and consider action regarding Subdivision Case 22-CP-005 and 22-PP-009 as described above.

Motion made by Commissioner Rick Carpenter, seconded by Commissioner Ron May to approve the concept plan.

AYE: Chair John Cosgrove, Commissioner Deirdre Moss, Commissioner Laura Lantrip, Commissioner Rick Carpenter, Commissioner Ron May

5 - 0 Passed

12. Conduct a Public Hearing and consider action on Subdivision Case SFP-22-0010 to approve the Lot 12 Ridgmar Landing Short Form Final Plat on one parcel of land approximately 5 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District R037160; generally located southwest of the intersection of Ridgmar Rd and Windemere, Leander, Williamson County, Texas.
 - Discuss and consider action on Subdivision Case 22-SFP-010 as described above.

Motion made by Commissioner Laura Lantrip, seconded by Commissioner Deirdre Moss to approve the Short Form Plat.

AYE: Chair John Cosgrove, Commissioner Deirdre Moss, Commissioner Laura Lantrip, Commissioner Rick Carpenter, Commissioner Ron May

5 - 0 Passed

REGULAR AGENDA

13. Adjournment at 7:08 p.m.

APPROVED:

CHAIRMAN COSGROVE

ATTEST:

ELLEN COUFAL
PLANNING & ZONING COMMISSION SECRETARY



EXECUTIVE SUMMARY
11/03/2022

AGENDA SUBJECT:

Conduct a Public Hearing regarding the approval of a Resolution approving a Resolution by the Board of Directors of the Brushy Creek Regional Utility Authority, Inc. (BCRUA); authorizing the issuance of “Brushy Creek Regional Utility Authority, Inc., City of Leander, Texas Contract Revenue Bonds (Brushy Creek Regional Water Treatment and Distribution Project), Series 2022”; establishing the procedures for selling and delivering the bonds and resolving other matters incident and relating to the issuance, payment, security, sale and delivery of such bonds.

- Discuss and consider action on a Resolution approving a Resolution by the Board of Directors of the Brushy Creek Regional Utility Authority, Inc. as described above.

BACKGROUND:

Last year, on July 22, 2021, the Texas Water Development Board (TWDB) formally approved BCRUA’s loan for construction of the Phase 2 Brushy Creek Regional Water Treatment and Distribution Project. This project will complete construction of the Phase 2 deep-water intake with a capacity of 145 MGD, the Phase 1D treatment capacity expansion to 42 MGD, and electrical utility improvements for the Phase 2 raw water pump station.

In November 2021 Leander initiated our first of three (3) planned drawdowns of the TWDB's financing in the amount of \$40,000,000.00. This year, on October 26, 2022, the BCRUA Board approved a resolution authorizing Leander's 2022 application to the Texas Water Development Board low interest loan program (SWIFT). Leander's annual debt service for this installment would be between \$2,400,000.00 to \$2,500,000.00 annually. The interest rates are spread over the twenty-five (25)- year life of the bonds between 2.6% to 3.9%. The City's Utility Fund FY23 budget anticipated this debt service impact.

Approval by the City Council would authorize this second installment, also in the amount of \$40,000,000.00. The timing of the third and final installment will depend upon the pace of the construction now underway. As you may recall, the entire project is expected to take five to six (5 - 6) years. The construction bid awarded in May was greater than the project estimate. As a result, the project budget has less contingency available during the course of construction. It is possible that as construction progresses and unknowns manifest that additional project funding will be required from each of the three (3) partner cities.

The breakout of the total cost as projected last year is as follows:

Cedar Park	<i>2021 low interest loan \$ 75,310,000.00</i> <i>cash or prior bond proceeds \$ 4,359,733.00</i>
Leander	<i>2021, 2022, & 2023 (tbd) low interest loans \$119,090,000.00</i>
Round Rock	<i>cash or prior bond proceeds \$ 77,404,252.00</i>
TOTAL	\$276,163,985.00

RECOMMENDATION:

Recommend Approval

PRESENTER:

Fiscal Impact

Amount requested: \$40,000,000.00
Approved in current budget (Yes / No): yes
Expenditure (New / Amended): New
Recurring or one-time: Recurring Debt Service
Fund source (Operating / Utility / etc.): Utility Debt Service

Attachments

1. Debt Service
2. Resolution

Brushy Creek Regional Utility Authority

\$40,000,000 Contract Revenue Bonds, Series 2022 (Leander)

11/29/22 Closing and Final SWIFT Rates

Debt Service Schedule

Part 1 of 3

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
11/29/2022	-	-	-	-	-
02/01/2023	-	-	236,615.34	236,615.34	-
08/01/2023	1,515,000.00	2.570%	686,947.75	2,201,947.75	-
09/30/2023	-	-	-	-	2,438,563.09
02/01/2024	-	-	667,480.00	667,480.00	-
08/01/2024	1,185,000.00	2.660%	667,480.00	1,852,480.00	-
09/30/2024	-	-	-	-	2,519,960.00
02/01/2025	-	-	651,719.50	651,719.50	-
08/01/2025	1,210,000.00	2.690%	651,719.50	1,861,719.50	-
09/30/2025	-	-	-	-	2,513,439.00
02/01/2026	-	-	635,445.00	635,445.00	-
08/01/2026	1,235,000.00	2.720%	635,445.00	1,870,445.00	-
09/30/2026	-	-	-	-	2,505,890.00
02/01/2027	-	-	618,649.00	618,649.00	-
08/01/2027	1,260,000.00	2.750%	618,649.00	1,878,649.00	-
09/30/2027	-	-	-	-	2,497,298.00
02/01/2028	-	-	601,324.00	601,324.00	-
08/01/2028	1,285,000.00	2.790%	601,324.00	1,886,324.00	-
09/30/2028	-	-	-	-	2,487,648.00
02/01/2029	-	-	583,398.25	583,398.25	-
08/01/2029	1,310,000.00	2.810%	583,398.25	1,893,398.25	-
09/30/2029	-	-	-	-	2,476,796.50
02/01/2030	-	-	564,992.75	564,992.75	-
08/01/2030	1,340,000.00	2.870%	564,992.75	1,904,992.75	-
09/30/2030	-	-	-	-	2,469,985.50
02/01/2031	-	-	545,763.75	545,763.75	-
08/01/2031	1,370,000.00	2.930%	545,763.75	1,915,763.75	-
09/30/2031	-	-	-	-	2,461,527.50
02/01/2032	-	-	525,693.25	525,693.25	-
08/01/2032	1,400,000.00	2.970%	525,693.25	1,925,693.25	-
09/30/2032	-	-	-	-	2,451,386.50
02/01/2033	-	-	504,903.25	504,903.25	-
08/01/2033	1,435,000.00	3.120%	504,903.25	1,939,903.25	-
09/30/2033	-	-	-	-	2,444,806.50
02/01/2034	-	-	482,517.25	482,517.25	-
08/01/2034	1,470,000.00	3.290%	482,517.25	1,952,517.25	-
09/30/2034	-	-	-	-	2,435,034.50
02/01/2035	-	-	458,335.75	458,335.75	-
08/01/2035	1,510,000.00	3.390%	458,335.75	1,968,335.75	-
09/30/2035	-	-	-	-	2,426,671.50
02/01/2036	-	-	432,741.25	432,741.25	-

2022 Contract Revs (Leand | SINGLE PURPOSE | 10/11/2022 | 3:44 PM

Brushy Creek Regional Utility Authority

\$40,000,000 Contract Revenue Bonds, Series 2022 (Leander)

11/29/22 Closing and Final SWIFT Rates

Debt Service Schedule

Part 2 of 3

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
08/01/2036	1,555,000.00	3.690%	432,741.25	1,987,741.25	-
09/30/2036	-	-	-	-	2,420,482.50
02/01/2037	-	-	404,051.50	404,051.50	-
08/01/2037	1,605,000.00	3.730%	404,051.50	2,009,051.50	-
09/30/2037	-	-	-	-	2,413,103.00
02/01/2038	-	-	374,118.25	374,118.25	-
08/01/2038	1,655,000.00	3.770%	374,118.25	2,029,118.25	-
09/30/2038	-	-	-	-	2,403,236.50
02/01/2039	-	-	342,921.50	342,921.50	-
08/01/2039	1,710,000.00	3.810%	342,921.50	2,052,921.50	-
09/30/2039	-	-	-	-	2,395,843.00
02/01/2040	-	-	310,346.00	310,346.00	-
08/01/2040	1,770,000.00	3.850%	310,346.00	2,080,346.00	-
09/30/2040	-	-	-	-	2,390,692.00
02/01/2041	-	-	276,273.50	276,273.50	-
08/01/2041	1,825,000.00	3.890%	276,273.50	2,101,273.50	-
09/30/2041	-	-	-	-	2,377,547.00
02/01/2042	-	-	240,777.25	240,777.25	-
08/01/2042	1,890,000.00	3.940%	240,777.25	2,130,777.25	-
09/30/2042	-	-	-	-	2,371,554.50
02/01/2043	-	-	203,544.25	203,544.25	-
08/01/2043	1,950,000.00	3.890%	203,544.25	2,153,544.25	-
09/30/2043	-	-	-	-	2,357,088.50
02/01/2044	-	-	165,616.75	165,616.75	-
08/01/2044	2,020,000.00	3.890%	165,616.75	2,185,616.75	-
09/30/2044	-	-	-	-	2,351,233.50
02/01/2045	-	-	126,327.75	126,327.75	-
08/01/2045	2,090,000.00	3.890%	126,327.75	2,216,327.75	-
09/30/2045	-	-	-	-	2,342,655.50
02/01/2046	-	-	85,677.25	85,677.25	-
08/01/2046	2,165,000.00	3.890%	85,677.25	2,250,677.25	-
09/30/2046	-	-	-	-	2,336,354.50
02/01/2047	-	-	43,568.00	43,568.00	-
08/01/2047	2,240,000.00	3.890%	43,568.00	2,283,568.00	-
09/30/2047	-	-	-	-	2,327,136.00
Total	\$40,000,000.00	-	\$20,615,933.09	\$60,615,933.09	-

2022 Contract Revs (Leand | SINGLE PURPOSE | 10/11/2022 | 3:44 PM

Brushy Creek Regional Utility Authority

\$40,000,000 Contract Revenue Bonds, Series 2022 (Leander)

11/29/22 Closing and Final SWIFT Rates

Debt Service Schedule

Part 3 of 3

Yield Statistics

Bond Year Dollars	\$559,778.89
Average Life	13.994 Years
Average Coupon	3.6828708%
DV01	42,334.85
Net Interest Cost (NIC)	3.6828708%
True Interest Cost (TIC)	3.6509778%
Bond Yield for Arbitrage Purposes	3.6509778%
All Inclusive Cost (AIC)	3.6509778%

IRS Form 8038

Net Interest Cost	3.6828708%
Weighted Average Maturity	13.994 Years

A RESOLUTION OF THE CITY OF LEANDER, TEXAS

RESOLUTION NO. 22-_____-00

RESOLUTION APPROVING A RESOLUTION BY THE BOARD OF DIRECTORS OF THE BRUSHY CREEK REGIONAL UTILITY AUTHORITY, INC. AUTHORIZING THE ISSUANCE OF “BRUSHY CREEK REGIONAL UTILITY AUTHORITY, INC., CITY OF LEANDER, TEXAS CONTRACT REVENUE BONDS (BRUSHY CREEK REGIONAL WATER TREATMENT AND DISTRIBUTION PROJECT), SERIES 2022”; ESTABLISHING THE PROCEDURES FOR SELLING AND DELIVERING THE BONDS AND RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE AND DELIVERY OF SUCH BONDS

**CITY OF LEANDER
COUNTIES OF WILLIAMSON AND TRAVIS
STATE OF TEXAS**

**§
§
§**

WHEREAS, the City of Leander, Texas (the “City”) is a participating and founding member of the Brushy Creek Regional Utility Authority, Inc. (the “BCRUA”); and

WHEREAS, the City has approved and executed the “Master Contract for the Financing, Construction and Operation of the BCRUA Regional Water Treatment and Distribution Project,” dated as of September 2, 2008 as amended by the “First Amendment to the Master Contract for the Financing, Construction and Operation of the BCRUA Regional Water Treatment and Distribution Project,” dated as of January 22, 2009; by the “Second Amendment to the Master Contract for the Financing, Construction and Operation of the BCRUA Regional Water Treatment and Distribution Project,” dated as of October 20, 2010; by the “Third Amendment to the Master Contract for the Financing, Construction and Operation of the BCRUA Regional Water Treatment and Distribution Project,” dated as of February 22, 2012; by the “Fourth Amendment to the Master Contract for the Financing, Construction and Operation of the BCRUA Regional Water Treatment and Distribution Project,” dated as of April 25, 2018; and by a "Fifth Amendment to the Master Contract for the Financing, Construction and Operation of the BCRUA Regional Water Treatment and Distribution Project," dated as of April 22, 2021 (collectively, the “Master Contract”) between the Cities of Cedar Park, Leander and Round Rock, Texas (collectively, the “Member Cities”) and the BCRUA, pursuant to which the BCRUA will construct, operate and maintain water treatment and distribution facilities for the benefit of the Member Cities; and

WHEREAS, the City has previously requested the BCRUA to issue a separate series of contract revenue bonds, in one or more series, for the City in an amount not to exceed \$119,090,000 to finance a certain portion of the City’s contribution to the BCRUA Project (as defined in the Master Contract) pursuant to the Master Contract; and

WHEREAS, on November 16, 2021, the BCRUA issued \$40,000,000 of the \$119,090,000 of contract revenue bonds to finance a portion of the City's contribution to the BCRUA Project; and

WHEREAS, a substantially final copy of the BCRUA's Bond Resolution for the City of Leander attached hereto as Exhibit "A" (the "Bond Resolution") authorizing the issuance of a separate series of bonds (the "Bonds") to finance a portion of the BCRUA Project as described therein has been presented to the City Council; and

WHEREAS, the Bonds are being sold to the Texas Water Development Board (the "TWDB") with the only Sale and Offering Document (as defined in the Master Contract) being the limited purpose Private Placement Memorandum required by the rules of the TWDB (the "Private Placement Memorandum"), a substantially final copy of which is attached hereto as Exhibit "B" and which has been presented to the City Council; and

WHEREAS, it is hereby further officially found and determined that public notice of the time, place, and purpose of this meeting was given, all as required by Texas Government Code, Chapter 551.

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

SECTION 1. Recitals. The recitals set forth in the preamble hereof are incorporated herein and shall have the same force and effect as if set forth in this Section. Capitalized terms used herein shall have the meaning assigned in the preamble hereof or the Master Contract, unless otherwise defined.

SECTION 2. Bond Resolution. The Bond Resolution attached hereto as Exhibit "A" has been presented to the City Council for review and is hereby approved as to form and content by the City Council with such changes therein or additions thereto as the City Manager or the Finance Director may deem advisable. The City hereby acknowledges that the payment of principal of and interest on the Bonds is payable, in whole or in part, from the Bond Payments (as defined in the Master Contract) to be made by the City to the BCRUA under and pursuant to the Master Contract. The Bond Resolution, including the Award Certificate executed thereunder, shall constitute a Bond Resolution under the Master Contract for all purposes.

SECTION 3. Offering Document. The substantially final draft of the Private Placement Memorandum related to the issuance of the Bonds attached hereto as Exhibit "B" has been presented to the City Council for review and is hereby approved by the City Council with such changes therein or additions thereto as the City Manager or the Finance Director may deem advisable.

SECTION 4. Continuing Disclosure Undertaking. In Article X of the Master Contract, the City has agreed to provide continuing disclosure of certain financial and operating data so long as the Bonds are outstanding in accordance with Rule 15c2-12 (the "Rule") of the United States Securities and Exchange Commission (the "SEC"). Due to subsequent amendments

to the Rule since the execution of the Master Contract, the City hereby undertakes as follows in order to comply with the requirements of the Rule as currently in effect:

(a) Annual Reports. The City shall provide annually to the Municipal Securities Rulemaking Board (“MSRB”), (1) within six months after the end of each fiscal year of the City ending in or after 2022, financial statements of the City if audited financial statements of the City are then available, and (2) if not available by such time, audited financial statements of the City, when and if available. Any financial statements to be provided shall be (i) prepared in accordance with generally accepted auditing standards by a certified public accountant or licensed public accountant, and (ii) audited, if the City commissions an audit of such financial statements and the audit is completed within the period during which they must be provided. If the audit of such financial statements is not completed within 12 months after any such fiscal year end, then the City shall file unaudited financial statements within such 12-month period and audited financial statements for the applicable fiscal year, when and if the audit report on such statements becomes available.

If the City changes its fiscal year, it will file notice of the change (and of the date of the new fiscal year end) with the MSRB prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section 4.

(b) Event Notices. The City shall file notice of any of the following events with respect to the Bonds with the MSRB in a timely manner and not more than 10 business days after the occurrence of the event:

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB), or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
- (7) Modifications to rights of holders of the Bonds, if material;
- (8) Bond calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution, or sale of property securing repayment of the Bonds, if material;

- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership, or similar event of the City;
- (13) The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material;
- (15) Incurrence of a financial obligation of the obligated person, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the obligated person, any of which affect security holders, if material; and
- (16) Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation of the obligated person, any of which reflect financial difficulties.

For these purposes, any event described in the immediately preceding paragraph (12) is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent, or similar officer for the City in a proceeding under the United States Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers of the City in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement, or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City. For the purposes of the immediately preceding paragraphs (15) and (16), the term “financial obligation” means a: (A) debt obligation; (B) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (C) guarantee of debt obligation or derivative instrument. The term financial obligation shall not include municipal securities as to which a final official statement has been provided to the MSRB consistent with the Rule.

The City shall file notice with the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with subsection (a) of this Section 4 by the time required by such subsection.

(c) Limitations, Disclaimers, and Amendments. The City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an “obligated person” with respect to the Bonds within the meaning of the Rule, except that the City in any event will give notice of deposit made in accordance with Section 32 of the Bond Resolution that causes the Bonds to no longer be outstanding.

The provisions of this Section 4 are for the sole benefit of the holders and beneficial owners of the Bonds, and nothing in this Section 4, express or implied, shall give any benefit or any legal

or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section 4 and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the City's financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section 4 or otherwise, except as expressly provided herein. The City makes no representation or warranty concerning such information or its usefulness to a decision to invest in or sell the Bonds at any future date.

UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE HOLDER OR BENEFICIAL OWNER OF ANY BOND OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITH OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR *MANDAMUS* OR SPECIFIC PERFORMANCE.

No default by the City in observing or performing its obligations under this Section 4 shall constitute a breach of or default under the Master Contract for purposes of any other provision of the Master Contract.

Nothing in this Section 4 is intended, or shall act, to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

The provisions of this Section 4 may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section 4, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule to the date of such amendment as well as such changed circumstances, and (2) either (a) the holders of a majority in aggregate principal amount of the outstanding Bonds consent to such amendment or (b) a person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interests of the holders and beneficial owners of the Bonds. The City may also repeal or amend the provisions of this Section 4 if the SEC amends or repeals the applicable provisions of the Rule or any court of final jurisdiction enters judgment that such provisions of the Rule are invalid, and the City also may amend the provisions of this Section 4 in its discretion in any other manner or circumstance, but in either case only if and to the extent that the provisions of this sentence would not have prevented an underwriter from lawfully purchasing or selling Bonds in the primary offering of the Bonds, giving effect to (i) such provisions as so amended and (ii) any amendments or interpretations of the Rule. If the City so amends the provisions of this Section 4, the City shall include with any amended financial information or operating data next provided in accordance with this subsection (a) of this Section 4 an explanation, in narrative form, of the reasons for the amendment and of the impact of any change in the type of financial information or operating data so provided.

(d) Format, Identifying Information, and Incorporation by Reference. All financial information, operating data, financial statements, and notices required by this Section 4 to be provided to the MSRB shall be provided in an electronic format and be accompanied by identifying information prescribed by the MSRB.

Financial information and operating data to be provided pursuant to subsection (a) of this Section 4 may be set forth in full in one or more documents or may be included by specific reference to any document (including an official statement or other offering document) available to the public on the MSRB's website at emma.msrb.org or filed with the SEC.

SECTION 5. Certificates. The City Manager and Finance Director are each authorized to sign an approval certificate attached hereto as Exhibit "C" reflecting the final interest rates and terms of the Bonds. The Mayor, City Secretary, City Manager and Finance Director are authorized to sign all certificates and are hereby authorized and directed to do any and all things necessary and/or convenient to carry out the terms of this Resolution and the issuance of the Bonds.

SECTION 6. Conservation Plan. The City will implement the Texas Water Development Board approved water conservation plan.

SECTION 7. Immediate Effect. This Resolution shall take effect immediately from and after its adoption in accordance with the law.

[The remainder of this page intentionally left blank.]

PASSED AND APPROVED this 3rd day of November, 2022.

Mayor
City of Leander, Texas

ATTEST:

City Secretary
City of Leander, Texas

[CITY SEAL]

EXHIBIT “A”

BOND RESOLUTION

RESOLUTION NO. R-22-____-____-____

A RESOLUTION BY THE BOARD OF DIRECTORS OF THE BRUSHY CREEK REGIONAL UTILITY AUTHORITY, INC. AUTHORIZING THE ISSUANCE OF “BRUSHY CREEK REGIONAL UTILITY AUTHORITY, INC., CITY OF LEANDER, TEXAS CONTRACT REVENUE BONDS (BRUSHY CREEK REGIONAL WATER TREATMENT AND DISTRIBUTION PROJECT), SERIES 2022”; ESTABLISHING THE PROCEDURES FOR SELLING AND DELIVERING THE BONDS AND RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE, AND DELIVERY OF SUCH BONDS

EXHIBIT “B”

FORM OF PRIVATE PLACEMENT MEMORANDUM

(See Separate Tab of Transcript)

EXHIBIT “C”

APPROVAL CERTIFICATE

The undersigned City Manager of the City of Leander, Texas, pursuant to the resolution adopted by the City Council on November 3, 2022 (the “Approving Resolution”) approving “A Resolution Approving a Resolution by the Board of Directors of the Brushy Creek Regional Utility Authority, Inc. Authorizing the Issuance of Brushy Creek Regional Utility Authority, Inc., City of Leander, Texas Contract Revenue Bonds (Brushy Creek Regional Water Treatment and Distribution Project), Series 2022; Establishing the Procedures for Selling and Delivering the Bonds and Resolving Other Matters Incident and Relating to the Issuance, Payment, Security, Sale, and Delivery of Such Bonds” authorizing the issuance of obligations designated as “Brushy Creek Regional Utility Authority Inc., City of Leander, Texas Contract Revenue Bonds (Brushy Creek Regional Water Treatment and Distribution Project), Series 2022” (the “Bonds”) do hereby approve the following terms of the Bonds:

- (i) the total principal amount of the Bonds of \$40,000,000;
- (ii) the purchase price for the Bonds is \$40,000,000;
- (iii) the dated date of the Bonds is November 29, 2022;
- (iv) the interest rates and maturity schedule for the Bonds are as set forth below:

<u>Year of Stated Maturity (August 1)</u>	<u>Principal Amounts (\$)</u>	<u>Interest Rates (%)</u>
2023	\$1,515,000	2.57%
2024	\$1,185,000	2.66%
2025	\$1,210,000	2.69%
2026	\$1,235,000	2.72%
2027	\$1,260,000	2.75%
2028	\$1,285,000	2.79%
2029	\$1,310,000	2.81%
2030	\$1,340,000	2.87%
2031	\$1,370,000	2.93%
2032	\$1,400,000	2.97%
2033	\$1,435,000	3.12%
2034	\$1,470,000	3.29%
2035	\$1,510,000	3.39%
2036	\$1,555,000	3.69%
2037	\$1,605,000	3.73%
2038	\$1,655,000	3.77%
2039	\$1,710,000	3.81%

<u>Year of Stated Maturity (August 1)</u>	<u>Principal Amounts (\$)</u>	<u>Interest Rates (%)</u>
2040	\$1,770,000	3.85%
2041	\$1,825,000	3.89%
2042	\$1,890,000	3.94%
2043	\$1,950,000	3.89%
2044	\$2,020,000	3.89%
2045	\$2,090,000	3.89%
2046	\$2,165,000	3.89%
2047	\$2,240,000	3.89%

- (v) the Bonds are subject to optional redemption as set forth below:

On February 1, 2033, or on any date thereafter, the Bonds of this series maturing on and after August 1, 2033 may be redeemed prior to their scheduled maturities, at the option of the Brushy Creek Regional Utility Authority Inc., with funds derived from any available and lawful source, at par plus accrued interest to the date fixed for redemption in whole or in part, only in inverse order of the maturities outstanding at the time of such redemption, and if less than all of a maturity is to be redeemed the Paying Agent/Registrar shall determine by lot the Bonds, or portions thereof within such maturity to be redeemed (provided that a portion of a Bond may be redeemed only in integral multiples of \$5,000 of principal amount).

- (vi) Interest on the Bonds accrues from November 29, 2022, and interest is payable each February 1 and August 1, commencing February 1, 2023.

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EXECUTED AND DELIVERED this _____ day of _____, 2022.

City Manager
City of Leander, Texas



EXECUTIVE SUMMARY
11/03/2022

AGENDA SUBJECT:

Discuss and consider action on an Ordinance amending Code of Ordinances, Article 1.14, Division 2, Public Art Commission, providing for name change, addition of two (2) members to composition, and additional duties; and providing for related matters.

BACKGROUND:

At the October 20, 2022 regular council meeting, the City Council directed staff to prepare an ordinance in amending the name, add two (2) additional members and the additional duty of acting in an advisory capacity in matters pertaining to culture services and activities.

Attachments

1. Redline
2. Ordinance

Division 2. Public Arts and Culture Commission

Sec. 1.14.031 Established; membership; removal of members for absence from meetings

(a) The public arts and culture commission is hereby established and shall be composed of ~~seven (7)~~ nine (9) members who shall be residents of the city and who shall be appointed by the mayor and approved by the city council. Each member of the public arts and culture commission shall be appointed for a term of two (2) years, and no member shall serve more than three (3) consecutive terms (six years maximum). The parks and recreation department shall solicit for members in August as needed and make recommendations to the board selection committee and the city council in September. The board selection committee shall interview and make recommendations to the city council. Newly appointed member terms shall begin on November 1st and end on October 31st. If a vacancy shall occur on the public art commission, a successor shall be appointed to serve for the remainder of the unexpired term of the member previously appointed to the vacant position in April during mid-year appointments. Any member of the commission that consistently fails to attend meetings without good cause shown (as determined by the commission), or without prior approval of the chair of the commission (based on the good cause criteria established by the commission), may be referred by the commission to the city council for removal from the commission. The city council shall consider the referral and commission recommendation and may, in its sole discretion by majority vote, remove the referred member of the commission. The commission shall whenever possible be composed of one or more of the following members:

- (1) One (1) city council member (ex-officio, non-voting member);
- (2) One (1) member/instructor of an active local arts nonprofit organization/corporation or a commercial art dealer;
- (3) Two (2) art instructors within a local LISD middle/high school; an accredited private school or an art instructor with a local college/university such as Austin Community College or Art Institute;
- (4) Two (2) active professional artists; and
- (5) Two (2) citizens, supportive of, educated in, and/or active in the field of public art or community affairs; and;
- (6) Two (2) citizens, at large.

(b) This section addresses transition of the membership of the commission to serving staggered terms:

- (1) The following members appointed in 2018 will be appointed for a two-year term before being replaced or reappointed: one (1) member/instructor of an active local arts nonprofit organization/corporation or a commercial art dealer; one (1) art instructor within a local LISD middle/high school, accredited private school, or an art instructor with a local college/university; one (1) active professional artist; and one (1) citizen.
- (2) The following members appointed in 2018 will be appointed for a three-year term before being replaced or reappointed: one (1) active professional artist; one (1) art instructor within a local LISD middle/high school, accredited private school, or an art instructor with a local college/university; and one (1) citizen. After the expiration of the three-year terms, the members listed in this subsection (b)(2) shall be appointed for two year terms pursuant to subsection (a) above.

(Ordinance 18-019-00, sec. 8, adopted 4/19/18)

Sec. 1.14.032 Organization and meetings; expense reimbursement

(a) Expense reimbursement. Members of the public arts and culture commission shall receive reimbursement for reasonable expenses, for travel outside the corporate limits and extraterritorial jurisdiction of the city, that are incurred with the advance approval of the commission. Such reimbursement shall not be inconsistent with city policy.

(b) Organization and meetings; administrative support; reports to council.

(1) Quorum. The presence of four (4) or more members of the public arts and culture commission shall constitute a quorum.

(2) Adoption of rules. The public arts and culture commission may adopt rules to govern the conduct of its meetings in accordance with the provisions of this article and the city charter.

(Ordinance 08-017-00, sec. 2, adopted 12/18/08; Ordinance 12-004-00 adopted 1/19/12)

(3) Officers. The officers of the commission shall be a chair, a vice-chair and a secretary. The first officers shall be appointed by the mayor and approved by the city council, provided that the city council member shall not serve as an officer of the commission. Thereafter, the commission shall elect the officers of the commission. (Ordinance 18-019-00, sec. 9, adopted 4/19/18)

(4) Calling of meetings. The chair of the commission may call meetings of the commission. Meetings may also be called by notice signed by two (2) members of the commission.

(5) Number of meetings. The commission shall convene no less frequently than once each month, unless deemed unnecessary by a majority of the commission voting at a commission meeting. The commission may meet more often, should the need arise.

(6) Open meetings. The commission shall comply with the Open Meetings Act.

(7) Meeting dates. The commission may, at any meeting, set a future meeting date(s).

(8) Minutes. Minutes shall be kept of all meetings, including the vote taken by each member upon any action by the commission.

(Ordinance 08-017-00, sec. 2, adopted 12/18/08; Ordinance 12-004-00 adopted 1/19/12)

(9) Support and meeting space. The city shall furnish administrative support to the commission for the purpose of assisting in the implementation of recommendations and advice of the commission. The city will provide a location for the commission to hold meetings. (Ordinance 18-019-00, sec. 9, adopted 4/19/18)

(10) Approval of decisions. Any policy decision requiring approval by the commission shall be by motion and shall require the approval by a majority of those members present and voting, provided that at least four (4) members must vote for the action to be approved.

(11) Reports to council. The public arts and culture commission shall provide monthly reports to the city council with recommendations of policy(s) the commission recommends the city council consider and implement.

(12) Legal counsel. The legal department shall provide legal counsel as may be reasonably required by the commission for the performance of its functions.

(c) Conflicts with city charter. It is specifically provided that no word, term, phrase or provision of this article shall be interpreted or construed in a manner to be inconsistent with, or to conflict with, the city charter. In the event of the appearance of any inconsistency or conflict, this article shall be read and construed consistent with the city charter.

(Ordinance 08-017-00, sec. 2, adopted 12/18/08; Ordinance 12-004-00 adopted 1/19/12)

Sec. 1.14.033 Rules of procedure; officers

The public arts and culture commission may adopt procedural rules governing the transaction of its business. The rules may include provisions for the date, time and place of regular meetings of the commission, maintaining minutes of meetings, and records of all commission reports, conclusions and recommendations. After the expiration of the one-year term of the initial officers, the commission shall elect officers annually. Officers may be elected and may serve as an officer only for a maximum of two consecutive terms (two years) and must rotate off, even if they are appointed for a second or third successive two-year commission appointment. The officers shall include a chair, vice-chairperson and secretary, who shall each be elected to serve a one-year term. All commission meetings shall be open to the public except as provided by the Open Meetings Act, and notice of meetings shall comply with the Open Meetings Act. The commission may adopt procedures that address the receipt and processing of citizen proposals and requests. (Ordinance 18-019-00, sec. 10, adopted 4/19/18)

Sec. 1.14.034 Powers and duties

The purpose, functions and responsibilities of the public arts and culture commission are as follows:

(1) On behalf of the city, to encourage, conduct, sponsor or cosponsor public nonprofit programs to further the development and public awareness of, and interest in, fine arts and the performing arts.

(2) To provide recommendations to the mayor and city council in connection with cultural and artistic endeavors and projects in which the city may become involved, and act as a representative of the community in such matters.

(3) To encourage donations, grants and other financial support to further expand the arts and cultural services and programs available to citizens of Leander and members of the Leander community.

(4) To review and make recommendations to the city council with respect to all public and private banner

proposals that request to utilize city graphics.

(5) To work diligently and aggressively to receive funding from state and national endowments to provide for continuous funding for the city's public art programs.

(6) To create and recommend guidelines to the city council regarding any area or activity of a public arts program, and, once the guidelines are approved by the city council, to distribute, manage, and allocate funding to applicants with a high level of accountability pursuant to the commission's guidelines, and which place priority on projects that meet more than one community need, e.g., art for youth outreach and services; provided that all funds shall be subject to the budget and audit process.

(7) The commission shall prepare implementation guidelines, selection procedures and organizational policies to facilitate art in public places, subject to the approval of the mayor and the city council.

(8) The commission shall be responsible for program planning; designation of sites for public art; determining project scope and budget for council approval; overseeing the artist selection process; commissioning artworks; reviewing design, execution and placement of artworks; and overseeing maintenance of the artworks and the process for removal of artworks from the city's public art collection; provided, however, that any decision to contract, purchase or remove artwork shall all be subject to the city manager's recommendation and final review and approval by the city council.

(9) The commission, acting on behalf of the mayor and city council, shall include within its scope of authority and activities the invitation of professionals in the visual arts and design fields, to serve (as reviewers and an advisory panel) in the artist selection process in order to ensure works of highest quality, or to assist in the determination of artistic merit of works of art offered to the city as a donation or for purchase. The commission shall also establish guidelines for appropriate community participation in this process and public education activities as part of the public art projects.

(10) The commission shall coordinate, investigate, review and recommend to the mayor and city council other means by which artworks may be obtained, including but not limited to donations to the public art fund, gifts of artwork, and grant applications for public art projects.

(11) The commission shall act as the liaison with private developers to encourage and facilitate private contributions and private art installations within corporate construction and reconstruction projects.

(12) The commission shall include in its mission the encouragement of public art throughout the city and shall seek through its programs to educate and stimulate the participation of all citizens in a joint public and private effort to promote art in public places.

(13) Prior to the recommendations to the city council for the selection and commissioning of artists, review of design and the recommendation of the acceptance of works of art relative to municipal construction projects, the commission shall submit the action proposed to be taken to the mayor for his recommendation to the city council.

(14) The commission shall record, over the chairman of the commission's signature, its recommendations on each matter considered and submitted to the city council.

(15) The commission shall adopt rules and regulations, including the creation of subcommittees, to implement this article of the city code.

(16) The commission shall take such other actions as the city council may direct from time to time.

(17) To act in an advisory capacity to the city council and parks and recreation department in all matters pertaining to culture to the parks and recreation services and activities in the city.

(Ordinance 08-017-00, sec. 4, adopted 12/18/08; Ordinance 12-004-00 adopted 1/19/12)

Sec. 1.14.035 Administrative and staff services

Subject to the directions of the city manager, the parks department shall be responsible for providing administrative and staff services for the commission and may assign parks department staff to provide services to the commission. (Ordinance 08-017-00, sec. 7, adopted 12/18/08; Ordinance 12-004-00 adopted 1/19/12)

Sec. 1.14.036 Budget

The public arts and culture commission programs and operating expenses shall be funded from the city general fund, grants, donations and admission charges. The parks department shall be responsible for submitting the annual operating budget to the city manager for submission and recommendation to and [the] mayor and city council. Donations, receipts and monies contributed to the public art fund shall be expended only as authorized by the budget and appropriations approved by the city council. (Ordinance 08-017-00, sec. 8, adopted 12/18/08;

Ordinance 12-004-00 adopted 1/19/12)

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING ARTICLE 1.14, DIVISION 2, PUBLIC ART COMMISSION, PROVIDING FOR NAME CHANGE, ADDITION OF TWO MEMBERS TO COMPOSITION, AND ADDITIONAL DUTIES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Leander desires to amend Article 1.14, Division 2, regarding Public Art Commission.

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

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

Section 2. Amending Commission Name. The name of the Public Art Commission is hereby amended to be the Public Arts and Culture Commission, and the commission name shall be amended wherever it appears in Chapter 1, Article 1.14, Division 2 of the Code of Ordinances of the City of Leander (the “Code”).

Section 3. Amending Section 1.14.031, Division 2. The first sentence of Section 1.14.031, Division 2, of the Code is hereby amended to read as follows:

....

Division 2. Public Art and Culture Commission

Section 1.14.031 Established; membership; removal of members for absence from meetings.

- (a) The public art commission is hereby established and shall be composed of nine (9) members who shall be residents of the city and who shall be appointed by the mayor and approved by the city council.

....

Section 4. Amending Section 1.14.031, Division 2. Section 1.14.031, Division 2, of the Code is hereby amended to add subsection (a)(6) read as follows, and the word “and” shall be removed from the end of subsection (a)(4) and moved to the end of subsection (a)(5):

- (6) Two (2) citizens, at large.

Section 5. Amending Section 1.14.034, Division 2. Section 1.14.034, Division 2, of the Code is hereby amended to add subsection (17) to read as follows:

Section 1.14.034 Power and duties.

....

- (17) To act in an advisory capacity to the city council and parks and recreation department in all matters pertaining to culture in the parks and recreation services and activities in the city.

....

Section 6. Amendment of Ordinances. The Leander Code of Ordinances, Article 1.14, Division 2, are hereby amended and all ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance govern.

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

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

Section 9. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on the first reading on this 3rd day of November, 2022.

ATTEST:

THE CITY OF LEANDER

Dara Crabtree, City Secretary

Christine DeLisle, Mayor



EXECUTIVE SUMMARY
11/03/2022

AGENDA SUBJECT:

Reject Solicitation S22-008 proposals for RFQ relating to Advanced Metering Infrastructure (AMI) System.

BACKGROUND:

In the prior fiscal year, staff issued Solicitation S22-008,- Advanced Metering Infrastructure (AMI) System, which was a request for qualifications (RFQ) for professional design and implementation services to convert the City's current water meter infrastructure to AMI technology. AMI systems provide real-time and continuous meter reading information. Customers are also able to create accounts and view, monitor and/or better manage their personal consumption data online. A cross-departmental evaluation committee was formed to review the proposals.

Submittals were opened on January 28, 2022 and the City received ten (10) responses from interested firms. The evaluation team conducted interviews with three (3) firms. Over the past several months, City staff has come to the unfortunate conclusion that it would be in the City's best interest to reject all responses and restart the solicitation under a Request For Proposal (RFP) process instead of the original concept of a two (2)- step process of first design, then competitive bids.

It became apparent over the last several months that both preferred firms were ultimately interested in being awarded not only the design services, but also the contract to install the new AMI system. The RFP method will allow interested firms to propose on a full turn-key solution including design and installation.

In 2021, the City was awarded \$5.65M in federal ARPA funds which can be used for this project. It is unknown at this time whether additional funding will be required to complete the project or if the project will ultimately need to be broken into phases.

RECOMMENDATION:

Reject Proposals submitted pursuant to S22-008 - AMI System.

PRESENTER:

Robert G. Powers, Executive Finance Director

Fiscal Impact

Amount requested: n/a
Approved in current budget (Yes / No): n/a
Expenditure (New / Amended): n/a
Recurring or one-time: one-time
Fund source (Operating / Utility / etc.): ARPA Grant
