



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

Pat Bryson Municipal Hall
201 North Brushy Street - Leander, Texas
Thursday, June 27, 2024
Regular Meeting at 6:00 PM



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

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

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

REGULAR MEETING

1. Call to Order.
2. Roll Call.
3. Director's report to the Planning & Zoning Commission on action taken by City Council on the June 20, 2024, meeting.
4. Review of meeting protocol.
5. Public comments on items not listed in the agenda.

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

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

CONSENT AGENDA: ACTION

6. Approval of the minutes for meeting held on 6/13/2024
7. Approval of the extension of the application expiration for Subdivision Case FP-21-0032 Northline Lots 1–7, Block A Final Plat on one (1) parcel of land approximately 7.465 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R458187, generally located southeast of the intersection of US 183 and San Gabriel Parkway, Leander, Williamson County, Texas.
8. Approval of the extension of the application expiration for Subdivision Case FP-23-0007 Leander Collective Final Plat on eight (8) parcels of land approximately 11.45 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R036221, R036220, R036219, R036218, R036216, R036215, R619681 and R619682; generally located northeast of Horseshoe Drive and South West Drive, Leander, Williamson County, Texas.

PUBLIC HEARING: ACTION

9. Conduct a Public Hearing and consider action on Subdivision Variance Case VA-24-0018 regarding a variance request from Article III, Section 42 (b)(1) of the Subdivision Ordinance that requires all transportation improvements including streets, trails, driveways, sidewalks, bikeways, traffic control, and parking areas within the City's jurisdiction shall be designed in accordance with the City of Leander Composite Zoning Ordinance, Transportation Master Plan, Comprehensive Plan and the City of Austin's Transportation Criteria Manual and Article III, Section 42 (e) of the Subdivision Ordinance that requires sidewalks be installed by the developer on both sides of all streets within and immediately adjacent to a proposed development associated with 4.83 acres $\pm$ in size; more particularly described as Silencer Shop Site Development Plans; generally located to the northwest of FM 1431 and Vista Rock Drive, Leander, Williamson County, Texas.

- Discuss and consider action regarding Variance Case VA-24-0018 as described above.

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

REGULAR AGENDA

10. Discuss and consider action regarding Ordinance Case OR-24-0015 to amend the Composite Zoning Ordinance to adopt regulations for an Entertainment Overlay, adopt regulations for Farmers' Markets, update definitions, update permitted uses, and to provide for related matters; Williamson & Travis Counties, Texas.

- Discuss and consider action regarding Ordinance Case OR-24-0015 as described above.

- a. Staff Presentation
- b. Discussion
- c. Consider Action

11. Adjournment

CERTIFICATION

The City of Leander is committed to compliance with the American with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please call the City Secretary at (512) 528-2743 for information. Hearing impaired or speech disabled persons equipped with telecommunication devices for the deaf may call (512) 528-2800. I certify that the above agenda for this meeting of the Planning and Zoning Commission of the City of Leander, Texas, was posted on the bulletin board at City Hall in Leander, Texas, on the 21 day of June 2024 by 5:00 p.m. pursuant to Chapter 551 of the Texas Government Code.



Ellen Coufal, Secretary



EXECUTIVE SUMMARY
6/27/2024

AGENDA SUBJECT:

Approval of the minutes for meeting held on 6/13/2024

BACKGROUND:

HISTORY/TIMELINE:

APPLICANT/AGENT:

RECOMMENDATION:

Staff recommends approval of the minutes.

PRESENTER:

Ellen Coufal, Sr. Planning Coordinator

Attachments:



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

Pat Bryson Municipal Hall
201 North Brushy Street - Leander, Texas
Thursday, June 13, 2024
Regular Meeting at 6:00 PM



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

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

REGULAR MEETING

1. Call to Order.
Meeting was called to order at 6:00 p.m.
2. Roll Call.
All present except Chair Laura Lantrip.
3. Director's report to the Planning & Zoning Commission on action taken by City Council on the June 6, 2024 meeting.
4. Review of meeting protocol.
5. Public comments on items not listed in the agenda.

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

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

No one wished to speak.

CONSENT AGENDA: ACTION

Motion to approve Consent Agenda items 6 through 8.

By: Board Member May

Seconded: Board Member Moss

Vote: 6 - 0 None

6. Approval of the minutes for meeting held on May 23, 2024.
7. Approval of the Subdivision Application Forms pursuant to Article IX, Section 9 (a) (1) c. of the Composite Zoning Ordinance; Leander, Williamson & Travis Counties, Texas.
8. Approval of the extension of the completion date for Subdivision Case 20-PICP-0032 Leander Platinum Public Improvement Construction Plans; more particularly described by Williamson Central Appraisal

District Parcel R372083, commonly known as 17680 Ronald Reagan Boulevard, Leander, Williamson County, Texas.

PUBLIC HEARING: ACTION

9. Conduct a Public Hearing and consider action regarding Zoning Case Z-24-0116 to amend the current zoning of Interim SFS-2-B (Single-Family Suburban) and Interim SFR-1-B (Single-Family Rural) to GC-3-A (General Commercial) on three (3) parcels of land approximately 13.5 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R032163, R032164, and R032168; and generally located south of Hero Way West, approximately 560 feet west of Lakeline Boulevard, Leander, Williamson County, Texas.

- Discuss and consider action regarding Zoning Case Z-24-0116 as described above.

No one spoke in favor or opposition of the request.

Motion to approve Zoning Case Z-24-0116.

By: Board Member Mahan

Seconded: Board Member May

Vote: 6 - 0 None

10. Conduct a Public Hearing and consider action regarding Ordinance Case OR-24-0015 to amend the Composite Zoning Ordinance to adopt regulations for an Entertainment Overlay, adopt regulations for Farmers' Markets, update definitions, update permitted uses, and to provide for related matters; Williamson & Travis Counties, Texas. Applicant: City of Leander.

- Discuss and consider action regarding Ordinance Case OR-24-0015 as described above.

No one spoke in favor or opposition of the request.

Motion: to postpone the Ordinance Case OR-24-0015 to the next Planning & Zoning meeting on June 27, 2024, by Vice Chair James Oliver with no second to the motion.

Adjourned at 6:27 p.m.

The meeting reopened at 6:30 p.m. All were present except Chair Lantrip. This item was restated for the record.

Motion to postpone the Ordinance Case OR-24-0015 to the next Planning and Zoning meeting on June 27, 2024.

By: Board Member Cosgrove

Seconded: Board Member Moss

Vote: 6 - 0 None

REGULAR AGENDA

11. Adjournment
Meeting adjourned at 6:31 p.m.

APPROVED

CHAIR

ATTEST:

STAFF LIAISON



EXECUTIVE SUMMARY
6/27/2024

AGENDA SUBJECT:

Approval of the extension of the application expiration for Subdivision Case FP-21-0032 Northline Lots 1–7, Block A Final Plat on one (1) parcel of land approximately 7.465 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R458187, generally located southeast of the intersection of US 183 and San Gabriel Parkway, Leander, Williamson County, Texas.

BACKGROUND:

This request is for an extension of the expiration date of the Northline Lots 1–7, Block A 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:

11/09/2023 – Final Plat Approved

05/09/2024 – Final Plat Approval Expired

APPLICANT/AGENT:

Northline Leander Development Company, LLC (Alex Tynberg).

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 11/09/2024 and will allow the developer to finalize the plat requirements and schedule the plat for review by the Planning & Zoning Commission.

PRESENTER:

Karina L. Castillo, AICP, Planning Manager

Attachments:

1. FP-21-0032 Att 1 Northline Lots 1-8, Block A & B - Extension Request
2. FP-21-0032 Att 2 Northline Lots 1-8, Block A & B - Location Map



June 7th, 2024

City of Leander
Planning Department
201 N. Brushy Street
Leander, Texas 78641

Re: *Extension Request Letter*
Northline Lots 1-7, Block A – Final Plat
FP-21-0032

City of Leander Planning Department:

Please accept this letter as a written request for a six-month commission extension to the application for the proposed Northline Lots 1-7, Block A Final Plat (FP-21-0032). Upon acceptance of our commission extension request, the new expiration date will be November 9th, 2024.

We are continuing to make progress on the proposed application but will need some additional time to address the remaining comments. If you have any questions or comments regarding this letter, please contact me at (512) 418-1771.

Yours very truly,

KIMLEY-HORN AND ASSOCIATES, INC.

A handwritten signature in black ink that reads "Bradley Wilkins". The signature is fluid and cursive, with a long horizontal stroke at the end.

Bradley Wilkins, P.E.

Project Manager



EXECUTIVE SUMMARY
6/27/2024

AGENDA SUBJECT:

Approval of the extension of the application expiration for Subdivision Case FP-23-0007 Leander Collective Final Plat on eight (8) parcels of land approximately 11.45 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R036221, R036220, R036219, R036218, R036216, R036215, R619681 and R619682; generally located northeast of Horseshoe Drive and South West Drive, Leander, Williamson County, Texas.

BACKGROUND:

This request is for an extension of the expiration date of the Leander Collective 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:

12/14/2024 – Final Plat Approved

06/14/2024 – Final Plat Approval Expired

APPLICANT/AGENT:

LJA Engineering, Inc. (Charles R. Hager V, P.E.) on behalf of 603 US 183 Leander Collective LLC (Ryan Larson)

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 12/14/2024 and will allow the developer to finalize the plat requirements and schedule the plat for review by the Planning & Zoning Commission.

PRESENTER:

Karina L. Castillo, AICP, Planning Manager

Attachments:

1. FP-22-0007 Att 1 Extension Request - Leander Collective
2. FP-22-0007 Att 2 Location Map - Leander Collective

06/10/2024

Planning Department
City of Leander
201 North Brushy Street
Leander, Texas 78641

RE: FP-22-0007 Leander Collective Phase 2 Final Plat
Final Plat Extension Request

To Whom It May Concern:

As the Applicant and Property Owner for the above-referenced final plat, we would like to request a six-month extension to the final plat approval. This final plat was approved by Planning & Zoning Commission on December 14, 2023 and is set to expire on June 14, 2024. We need additional time to meet the Commission's conditions for the final plat approval and hereby request an extension per the Subdivision Ordinance, Article II., Section 24(h)(i)(2). Additional time is needed finalizing development plans. Capital funds are in the process of being secured and fiscal will be posted this month, with the expectation that plat will be recorded in July.

Sincerely,



VP of Development
603 US 183 Leander Collective LLC



EXECUTIVE SUMMARY
6/27/2024

AGENDA SUBJECT:

Conduct a Public Hearing and consider action on Subdivision Variance Case VA-24-0018 regarding a variance request from Article III, Section 42 (b)(1) of the Subdivision Ordinance that requires all transportation improvements including streets, trails, driveways, sidewalks, bikeways, traffic control, and parking areas within the City's jurisdiction shall be designed in accordance with the City of Leander Composite Zoning Ordinance, Transportation Master Plan, Comprehensive Plan and the City of Austin's Transportation Criteria Manual and Article III, Section 42 (e) of the Subdivision Ordinance that requires sidewalks be installed by the developer on both sides of all streets within and immediately adjacent to a proposed development associated with 4.83 acres ± in size; more particularly described as Silencer Shop Site Development Plans; generally located to the northwest of FM 1431 and Vista Rock Drive, Leander, Williamson County, Texas.

- Discuss and consider action regarding Variance Case VA-24-0018 as described above.

BACKGROUND:

During review of the Silencer Shop Site Development plans, the applicant expressed challenges about the future extension of improvements along FM 1431. The challenges are related to the limestone rock ledges, steep contours, existing buried telecom lines and numerous trees in this area. The applicant is requesting a variance to the Subdivision Ordinance regarding the requirement that sidewalks be installed by the developer on both sides of all streets within and immediately adjacent to a proposed development.

Removal of this requirement would create a situation where there would be no sidewalks on this section of FM 1431 when the neighboring properties along this roadway develop in the future. A similar variance was approved for the Travisso Subdivision as part of the Planned Unit Development (PUD). This variance removed the requirement to construct a sidewalk along FM 1431 due to safety concerns.

Below, please find the applicable ordinance requirements.

SUBDIVISION ORDINANCE, Article III, Section 42 (b)(1)

(b) Policy.

(1) All transportation improvements including streets, trails, driveways, sidewalks, bikeways, traffic control, and parking areas within the City's jurisdiction shall be designed in accordance with the City of Leander Composite Zoning Ordinance, Transportation Master Plan, Comprehensive Plan and the City of Austin's Transportation Criteria Manual.

SUBDIVISION ORDINANCE, Article III, Section 42 (e)

(e) Sidewalks. Sidewalks shall be installed by the developer on both sides of all streets within and immediately adjacent to a proposed development, and shall be designed and constructed in accordance with City Standard Details and Specifications and the Composite Zoning Ordinance.

HISTORY/TIMELINE:**APPLICANT/AGENT:**

Sunland Group Engineering (Joel Bock) on behalf of MC Magic, LLC. (Kirk Smith).

RECOMMENDATION:

Staff has reviewed the Site Development Plans and supports the requested variance due to safety concerns. The Commission needs to consider the following findings when making this determination:

- (1) The public convenience and welfare will be substantially served;
- (2) The appropriate use of surrounding property will not be substantially or permanently impaired or diminished;
- (3) The applicant has not created the hardship from which relief is sought;
- (4) The variance will not confer upon the applicant a special right or privilege not commonly shared or available to the owners of similar and surrounding property;
- (5) The hardship from which relief is sought is not solely of an economic nature;
- (6) The variance is not contrary to the public interest;
- (7) Due to special conditions, the literal enforcement of the ordinance would result in an unnecessary hardship; and
- (8) In granting the variance the spirit of the ordinance is observed and substantial justice is done.

PRESENTER:

Karina Castillo, AICP, Planning Manager

Attachments:

1. VA-24-0018 Att 1 Letter of Intent - Silencer Shop
2. VA-24-0018 Att 2 Location Map - Silencer Shop



October 27, 2023

Ms. Ann Margaret Weis, P.E.
City of Leander
201 North Brushy Street
Leander, Texas 78641

RE: Formal Request for Waiver of the Requirement of 10' Wide Trail along FM 1431
Owner: Hill Country Class III Silencer Shop
Project Address: 17414 FM 1431 Leander, TX 78641

Dear Ms. Weis:

For the above referenced project, Sunland Group has prepared this associated exhibit showing the challenges at 4 locations along FM 1431 to accommodate a 10' wide trail, as required by the Transportation Master Plan Figure 5-1. As this side of Leander is the gateway to the Hill Country, the challenges are related to the limestone rock ledges, steep contours, existing buried telecom lines and numerous trees in this area.

Additionally, there are no existing trails to connect to either westward from Travisso, who's entrance is built, and eastward towards the Quick Trip (that has the trail) and it's nearly a mile in each direction.

The exhibit shows 4 locations that are along FM 1431 and ordered from West to East, and the summary of the challenges at each are as follows:

-Cross Section 1: As the most westerly location, this analysis point has the steepest contours and the thickest trees. There is no trail connection to the western neighbor, so planning for ADA-compliant design in the future to accommodate the route is to have this trail will need to be as low as possible at the starting point on the Silencer Shop property line. This would entail a 10' cut to start at Elevation 954 in order to build a trail with a 4" concrete sidewalk on top of a 2" sand pad per City of Austin Detail 432S-1. With an existing cross slope parallel to this 10' wide sidewalk, and assuming another 1.5' each side of the trail for bullrock armoring for uphill and sidewalk-parallel stormwater drainage protection, a 3:1 slope upward to recover to existing would not work. Therefore a wall of approximately 4' in width and 8' in height (MSE wall with grids and gravel) would be necessary to accommodate this trail here. The overall section width would be 1.5' bullrock + 10' trail + 1.5' bullrock + 4' wall width so 17' overall. Additionally near this location is one of the largest Live Oak trees on the property, at 22" in diameter (Tree #3594), and numerous Ashe Junipers that are clumped together.



-Cross Section 2: As the next location headed east, this analysis point and section of trail now runs along the Security Fence protecting the facility. It has the same parallel contours problem and a clump of Live Oak trees on the property line in the way of the trail (Tree #3592 and #3593 are 8" and 12" and the rest of the clump are numerous smaller oaks). As it stays along the FM 1431, the ADA-compliant design will be rising at 5% from Cross Section 1, and the wall would be continuous from Cross Section 1 in order to have the fence be set above it.

-Cross Section 3: As the next location where the existing driveway is located, this analysis point and section of trail now runs through a clump of Live Oak trees on the property line in the way of the trail that is the largest clump along 1431 (Trees #3586 through #3595) which is 10 trees. As the Security Fence changes direction to avoid the trees and control the driveway, the trees are being saved. The ADA-compliant design for cross slope across the driveway will cause a 2% cross section where the existing drive is at 10% and a 10' wide bump at the crosswalk. This driveway was proposed to be utilized with only a change to make it wider as part of the site plan, and not rebuilding it for the trail.

-Cross Section 4: As the next location where the upland part of the site is, slope and ADA-compliance are not an issue, but the main obstacle is that numerous trees will be eliminated to keep the trail running parallel with 1431. As with the western side at Cross Section 1, there is no existing trail constructed on the eastern side, with which to connect to, for nearly a mile.

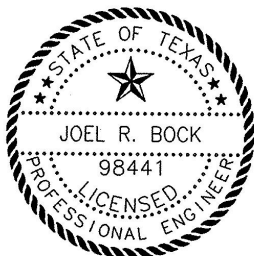
As engineer for this project, and in coordination with the Silencer Shop ownership team, I would request of the City of Leander that this project be granted a waiver from the requirements for a 10' Trail along 1431, and I believe an on-site visit will more clearly demonstrate the points above and I would be very happy to meet with you at the site whenever it is most convenient for you, or when Robin and the staff perform a site visit.

If you need additional information or would like to discuss the project further, please don't hesitate to contact our office at (512) 590-7963.

Sincerely,

A handwritten signature in black ink, appearing to read "Joel Bock".

Joel Bock, P.E.
Project Manager



Cross Section 3

10' Trail inside Silencer Shop Property and outside Security Fence

Existing Driveway is at 10% slope so 10' Trail would force a reconstruction of the driveway to change to 2% cross slope and adjust steeper than 10% between the Trail and the Building.

Cut: 5' max within existing firelane of the driveway (and meet ADA reqs). Balance pavement connections uphill/downhill to 1431

Slope: 5% running West to East for ADA Compliance, 2% cross slope max

Trees: No Tree issues here since it's driveway

Silencer Shop Headquarters Building

10' Wide Trail along 1431

No trail exists at Travisso to the west.
No trail exists to the east for over a mile to the gas station.

Cross Section 4

10' Trail inside Silencer Shop Property and outside Security Fence

Cut: Less than 2' as it's matching grade

Slope: 5% running West to East for ADA Compliance, 2% cross slope max

Trees: Various Oaks to remove to keep trail on private property

Cross Section 1

10' Trail inside Silencer Shop Property.

Cut: 10' to make flat land (and meet ADA reqs) with walls on the high side (north side).

Slope: 5% running West to East for ADA Compliance, 2% cross slope max

Trees and Rocky Terrain: Large Quantity of various Oaks to remove to keep trail on private property. Major challenge for proper equipment to build this is expected.

Cross Section 2

10' Trail inside Silencer Shop Property and as this is a Secure Facility, the route needs to stay outside a Security Fence

Cut: 8' to make flat land (and meet ADA reqs) with walls on the high side (north side).

Slope: 5% running West to East for ADA Compliance, 2% cross slope max

Trees and Rocky Terrain: Large Quantity of various Oaks to remove to keep trail on private property. Major challenge for proper equipment to build this is expected.



EXECUTIVE SUMMARY
6/27/2024

AGENDA SUBJECT:

Discuss and consider action regarding Ordinance Case OR-24-0015 to amend the Composite Zoning Ordinance to adopt regulations for an Entertainment Overlay, adopt regulations for Farmers' Markets, update definitions, update permitted uses, and to provide for related matters; Williamson & Travis Counties, Texas.

- Discuss and consider action regarding Ordinance Case OR-24-0015 as described above.

BACKGROUND:

This request is the first step in the ordinance process.

HISTORY/TIMELINE:

06/13/2024 – Planning & Zoning, 1st Public Hearing

APPLICANT/AGENT:

City of Leander

RECOMMENDATION:

Staff recommends approval of the ordinance amendments. During the meeting of June 27, 2024, the Planning & Zoning Commission held a public hearing and delayed action following discussions. The Commission asked Staff to clarify standards for lighting, provide a definition of "locally produced," and adjust the requirements for the vendor types. Staff has provided an updated redline for review to include the following:

1. Lighting associated with an Entertainment District has been updated to clarify visibility from residential properties and public right-of-way.
2. Provided a definition of Locally Produced.
3. Reduced percentage of food vendors for Farmers' Market.

The Sign Ordinance adopted in September of 2023 allows for a Master Sign Plan intended to provide a consistent and architecturally compatible plan for multiple signs within a development. A Farmer's Market is eligible for a Promotion Event Package which includes temporary signage with the addition of Swooper Flags, Human Signs, and Bandit Signs. If Staff notices that these standards are prohibitive to the proposed uses, Staff reviews the Sign Ordinance on an annual basis and makes amendments as needed.

PRESENTER:

Karina L. Castillo, AICP, Planning Manager

Attachments:

1. OR-24-0015 Att 1 Planning Analysis
2. OR-24-0015 Att 2 Entertainment District Ordinance



PLANNING ANALYSIS

ORDINANCE CASE OR-24-0015 COMPOSITE ZONING ORDINANCE ENTERTAINMENT OVERLAY & FARMERS' MARKETS

GENERAL INFORMATION

Owner/Agent:	City of Leander
Ordinance:	Composite Zoning Ordinance
Proposed Change:	Add options for an Entertainment Overlay and Farmers' Markets
Staff Contact:	Robin M. Griffin, AICP Executive Director of Development Services

BACKGROUND

Over time, the City Staff has received requests for more opportunities to support and provide flexibility for entertainment activities within the city. Staff has developed an Entertainment Overlay to promote areas for entertainment throughout the city. This overlay allows the Planning & Zoning Commission and City Council the ability to approve requests for an Entertainment Overlay through an evaluation of the proposed activity and the surrounding developments.

The ordinance update implements the following Comprehensive Plan Action Items:

- Action 1.2.4 of the Comprehensive Plan includes preparing amendments to the development codes for regulatory parameters to generate public-oriented spaces.
- Action 3.1.3 calls for prioritizing the recruitment of destination-oriented concepts including entertainment.
- Strategy 7.3 encourages regional attractions including entertainment developments with Action 7.3.4 focusing on event spaces for entertainment.

ENTERTAINMENT OVERLAY INFORMATION

This amendment to the Composite Zoning Ordinance allows for property owners to request an Entertainment Overlay to support alternative standards for noise, lighting, and use regulations. The intent is to promote a vibrant and active place, thereby providing residents and employees opportunities to socialize and be entertained within the City. Each Entertainment Overlay shall include a minimum of ten (10) acres in size to establish an area intended for entertainment purposes. This area may include multiple properties or a single large property. Establishing an Entertainment Overlay will be permitted only in accordance with the City's Comprehensive Plan and this ordinance.

Entertainment Overlays shall be established through a public hearing process similar to a zoning case since the district supports amendments to the code with regards to land uses. These areas shall include entertainment uses that promote active public uses that may include amusement activities, theaters, plaza, outdoor seating areas, outdoor cafes, destination locations and may include the following additional uses:

- Banquet Hall or Events Center;
- Bar or Private Club;
- Brewpub;
- Entertainment venues including theaters, amusement parks, arenas, stadiums, commercial sports venues;
- Farmer's Market Temporary Use
- Hotels, Full Service
- Hotels, Boutique;

- Microbrewery, Microdistillery, or Microwinery;
- Mobile Food Establishment Temporary Use and Park in compliance with Article, IV, Section 10 of the Composite Zoning Ordinance;
- Night Club;
- Outdoor Music
- Restaurants with outdoor patios;
- Theatre, Indoor; and/or

The following criteria shall apply to Entertainment Overlays:

- **ALCOHOLIC BEVERAGE SALES AND SERVICE:** Alcoholic beverages may be sold and/or served for on or off-premise consumption on property located within an Entertainment Overlay in compliance with the TABC regulations.
- **HOURS OF OPERATION:** There shall be no hours of operation except as follows:
 - Bars, private clubs, or night clubs shall not be open for business to the public between 2:00 a.m. and 8:00 a.m. any day of the week.
 - Outdoor business shall not be allowed between the hours of 10:00 p.m. and 7:00 a.m. when located within five hundred (500') feet of a structure zoned and/or used for residential purposes.
- **LIGHTING:** Alternative lighting such as string lighting within centers and outdoor gathering spaces are permitted. All alternative lighting shall meet the intent of the Composite Zoning Ordinance.
- **PARKING:** A parking reduction may be considered for multi-occupant centers of up to ten (10%) percent of the ordinance requirement where shared parking is proposed.

This amendment also includes provisions to allow for Farmers' Markets. This use may either be allowed by right in an Entertainment Overlay or through the special use permit process.

ENTERTAINMENT OVERLAY PROCESS

Before the establishment of an Entertainment Overlay, the request shall be reviewed by the Planning & Zoning Commission for study and report concerning the effect of the proposed use on the Comprehensive Plan and on the character and development of the neighborhood and final approval by the City Council. Notice shall be given and public hearings held in the same manner as for all other zoning and rezoning applications.

Each Entertainment Overlay shall be individually identified and may include conditions to accommodate unique features of the area such as surrounding developments, including modifications to the provisions of this Section.

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING SECTIONS OF ARTICLE 14.02, THE COMPOSITE ZONING ORDINANCE TO AMEND THE COMPOSITE ZONING ORDINANCE TO ADOPT REGULATIONS FOR AN ENTERTAINMENT OVERLAY AND FARMERS' MARKETS, UPDATE DEFINITIONS, AND PROVIDE FOR RELATED MATTERS; PROVIDING A SEVERABILITY CLAUSE, PROVIDING SAVINGS, EFFECTIVE DATE AND OPEN MEETINGS CLAUSES, AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City sees a need to adopt an Entertainment Overlay to allow for alternative uses, lighting standards, modified parking requirements, and hours of operation, as well as support other outdoor entertainment.

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

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

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

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

SECTION 2. Amendment of Article I, Section 6. Article I, Section 6 of the Composite Zoning Ordinance is hereby amended to add the following definitions:

Agricultural Product means a product intended for direct human consumption or animal consumption such as vegetables, fruits, dairy products, eggs, grains, meats, poultry, fish, honey, wool, plants, or other similar products.

Artisan means sculptors, painters, sketch artists, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths, designers of ornamental and precious jewelry, screen printers, air brushers, and other similar uses.

Banquet Hall or Events Center means a facility or hall which is rented by individuals or groups to accommodate private functions including, but not limited to, banquets, weddings,

anniversaries, corporate events, and other similar celebrations. Such use may or may not include: 1) kitchen facilities for the preparation or catering of food; 2) the sale of alcoholic beverages for on-premise consumption, only during scheduled events and not open to the general public; and 3) outdoor gardens or reception facilities.

Entertainment Overlay means an area designated by the Planning & Zoning Commission and City Council that allows for alternative standards regarding noise, lighting, and use regulations. This overlay is a regulatory tool that creates a special zoning district, placed over an existing base zoning district, which identifies special provisions in addition to those in the underlying base zone.

Farmers' Market means the offering for sale of fresh agricultural products and Locally Produced goods directly to the customer at an open air market event at which at least forty (40%) ~~majority~~ of the vendors are farmers or other food producers. The Farmer's Market may include vendors who are not farmers or food producers ~~provided that farmers and food producers make up the majority of vendors who participate in the market~~ to include hand made products and artisan goods.

Farmers' Market Permanent Use means a Farmers' Market held at a permanent location designed for a Farmers' Market and authorized by a special use permit.

Farmers' Market Temporary Use means a Farmers' Market held at a temporary outdoor location within an Entertainment Overlay.

Hotel, Boutique means a small hotel with less than fifty (50) guest rooms that is not accessed from a Toll Road or Arterial. A boutique hotel is not part of a large hotel chain and typically has a unique location and may be associated with specialty amenities such as a spa or live entertainment.

Hotel, Extended Stay means a hotel offering individual guest rooms or suites for rent intended to be used for stays which may exceed thirty (30) days. An extended stay hotel may include meeting rooms, recreational facilities for renters, and suites may have full kitchen facilities to accommodate extended stays.

Hotel, Full Service means a hotel that includes a minimum of one hundred (100) guest rooms, a full service restaurant, meeting rooms, and guest services that are customary to hotel services amenities such as dry cleaning service, fitness centers, laundry facilities, and/or spa services.

Hotel, Limited Service means a hotel that does not provide additional guest services beyond the customary hotel services and amenities.

Locally Produced means agricultural products or goods produced within the State of Texas for the purpose of this ordinance.

Multi-Occupant Center means a development that includes three or more retail, entertainment, business, industrial, wholesale, or professional uses that share common

facilities including parking, driveways, utilities, detention, and landscaping.

Outdoor Music means a sound that is amplified and not fully enclosed by permanent, solid walls and a roof, or allowed to project out of an exterior doorway that is routinely opened.

Plaza means an outdoor space located within a Multi-Occupant Center that promotes public gatherings.

Theater, Indoor means an enclosed structure used for motion pictures, cultural or performing arts, and may include food and alcoholic beverage sales.

SECTION 3. Amendment of Article I, Section 6. Article I, Section 6 of the Composite Zoning Ordinance is hereby amended to replace the definition of hotel with the following:

Hotel means a building in which lodging or boarding and lodging are provided and offered to the public for compensation for a period of less than thirty (30) days and in which ingress and egress to and from all rooms is made through and inside a lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradiction to a boarding house, a lodging house, or an apartment.

SECTION 4. Amendment of Article III, Section 16(b). Article III, Section 16(b) of the Composite Zoning Ordinance is hereby amended to add Banquet Hall or Events Center, Boutique Hotel, Extended Stay Hotel, Full Service Hotel, Limited Service Hotel, and Indoor Theater to the list of permitted uses. Uses shall appear in alphabetical order and existing sections will be renumbered accordingly.

SECTION 5. Amendment of Article III, Section 20. Article III, Section of the Composite Zoning Ordinance is hereby amended to add Banquet Hall or Events Center, Boutique Hotel, Extended Stay Hotel, Full Service Hotel, Limited Service Hotel, and Indoor Theater to the list of permitted uses in the GC, HC, and HI Use Components.

SECTION 6. Amendment of Article IV, Section 2(a). Article IV, Section 2(a) of the Composite Zoning Ordinance is hereby amended to add the following:

(17) Farmers' Market

SECTION 7. Amendment of Article IV. Article IV of the Composite Zoning Ordinance is hereby amended to add a new Section 11 and a new Section 12, and to renumber the existing Section 11 to Section 13:

SECTION 11: Entertainment Overlay

(a) Intent. The intent of the Entertainment Overlay is to allow for the development of property as a destination and entertainment venue that will be used to promote a vibrant and active place, thereby providing residents and employees opportunities to socialize and be entertained within the City. Each Entertainment Overlay shall include multiple properties or one large property that is a minimum of ten (10) acres in size to establish an

- area intended for entertainment purposes. Establishing an Entertainment Overlay will be permitted only in accordance with the City's Comprehensive Plan and this ordinance.
- (b) Application. Unless modified by the ordinance establishing the Entertainment Overlay for particular properties, the provisions of this section shall be in addition to all other provisions of the underlying zoning district. This district may relax certain standards for development.
 - (c) Criteria. In order for a property to be designated with the Entertainment Overlay, the property shall include entertainment uses that promote vibrant and active public uses that include amusement activities, theaters, plazas, outdoor seating areas, outdoor cafes, destination locations, and uses listed in Section (d) below.
 - (1) The property shall include entertainment uses in addition to the uses permitted by right in the base zoning district.
 - (2) The ordinance adopting the Entertainment Overlay will take effect when entertainment uses are established on the property through the issuance of a certificate of occupancy.
 - (3) If the entertainment uses cease operation, the Entertainment Overlay shall expire after six (6) months.
 - (4) If the entertainment uses substantially change, an amendment is required to be submitted for review and action by the Planning & Zoning Commission and City Council. The Director of Planning may approve minor amendments to the uses.
 - (5) An Entertainment Overlay shall contain a minimum of ten (10) acres unless otherwise approved by the establishment of the overlay.
 - (d) Entertainment Overlay Permitted Uses
 - (1) All uses permitted by the base zoning district of the property;
 - (2) Banquet Hall or Events Center;
 - (3) Bar or Private Club;
 - (4) Brewpub;
 - (5) Entertainment venues including theaters, amusement parks, arenas, stadiums, commercial sports venues;
 - (6) Farmer's Market Temporary Use
 - (7) Hotels, Full Service
 - (8) Hotels, Boutique;
 - (9) Microbrewery, Microdistillery, or Microwinery;
 - (10) Mobile Food Establishment Temporary Use and Park in compliance with Article, IV, Section 10 of the Composite Zoning Ordinance;
 - (11) Night Club;
 - (12) Outdoor Music
 - (13) Restaurants with outdoor patios;
 - (14) Theatre, Indoor; and/or
 - (15) Any similar uses as permitted by the Director of Planning.
 - (e) Alcoholic Beverage Sales and Service
 - (1) Alcoholic beverages may be sold and/or served for on or off-premise consumption on property located within the Entertainment Overlay that is developed and used for

the uses listed in (d) above subject to the terms of the permit or license issued to the owner or operator of the property by the Texas Alcoholic Beverage Code, as amended.

(f) Hours of Operation

(1) There shall be no hours of operation except as follows:

- a. Property located in the Entertainment Overlay District and developed and used as a Bar, Private Club, or Night Club shall not be open for business to the public between 2:00 a.m. and 8:00 a.m. any day of the week.
- b. Outdoor Music shall not be allowed between the hours of 10:00 p.m. and 7:00 a.m. when located within five hundred (500') feet of a structure zoned and/or used for residential purposes.

(g) Lighting. Alternative lighting is permitted in an Entertainment Overlay. Lighting such as string lights within centers and outdoor gathering spaces are permitted. Any alternative lighting shall meet the intent of the Composite Zoning Ordinance and shall ~~not be oriented so that light intensity or brightness is directed away from public~~ be visible from the right-of-way or adjacent residential properties zoned or used for residential.

(h) Parking.

- (1) A parking reduction may be considered for Multi-Occupant Centers of up to ten (10%) percent of the ordinance requirements when shared parking facilities are proposed.
- (2) Outdoor seating areas shall not be counted towards the parking requirements.

(i) Process.

- (1) Before the establishment of an Entertainment Overlay, the request shall be referred to the Planning & Zoning Commission for study and report concerning the effect of the proposed use on the Comprehensive Plan and on the character and development of the neighborhood and final approval by the City Council. Notice shall be given and public hearings held in the same manner as for all other zoning and rezoning applications.
- (2) Each Entertainment Overlay shall be individually identified and may include conditions to accommodate unique features of the area such as surrounding developments, including modifications to the provisions of this Section.

SECTION 12: Farmers' Market

(a) Intent. The intent of this section is to provide regulations for the development of a Farmers' Market as a permanent use and a temporary use. Farmers' Markets are permitted by right on property with an Entertainment Overlay unless otherwise prohibited. Otherwise, a Special Use Permit is required to establish a Farmers' Market.

(b) General requirements.

- (1) A special use permit is required for a Farmers' Market located outside of an Entertainment District.
- (2) A Farmers' Market shall not be operated more than twenty four (24) hours per week and more than twelve (12) hours in any twenty four (24) hour period.

- (3) At least ~~eighty-fourty~~ (840%) percent of the vendors shall be food item vendors whose products are ~~l~~Locally ~~p~~Produced.
- (4) At least ~~eighty-fourty~~ (480%) percent of the cumulative square footage area of all vending booths at the farmers' market must consist of locally produced agricultural products.
- (5) All vendors shall comply with the state licensing requirements.
- (6) The food manufacturing, food distribution, or food wholesale license must be prominently displayed at the vendor's booth throughout the duration of each farmer's market session.
- (7) Any processed foods must be commercially pre-packaged.
- (8) All vendors shall comply with applicable health and safety laws and state regulations. Each vendor at a farmer's market shall meet all requirements of any other applicable law regulating the vendor's operation at the farmers' market, including but not limited to displaying of an appropriate license or permit and meeting required performance standards. The permittee shall be responsible for ensuring that each vendor complies with this subsection. If the permittee is also a vendor at the farmers' market, the permittee shall also meet all requirements of any other applicable law regulating such vendor's operation at the farmers' market.
- (9) Each farmers' market must provide 1.25 parking spaces per vending booth.

SECTION 13: Exceptions

- (a) Where a legal lot or other legal tract less than the required width, depth or area established in this ordinance, and in existence on the effective date of this ordinance, these lot size requirements shall not prohibit the erection of one primary structure for occupancy for a use permitted within the district in which the lot or tract is located.
- (b) Where a preliminary plat or concept plan, filed or approved prior to the effective date of this ordinance and compliant with the minimum requirements in effect when filed or approved, shows lots less than the required width, depth or area established in this ordinance and does not expire prior to submission of a final plat, the final plat may be approved with the lot sizes as approved on the preliminary plat or concept plan.
- (c) Special consideration for the width and depth of cul-de-sac lots will be given as long as they meet the minimum area requirement of their respective district.

SECTION 8. Amendment of Article VI, Section 3(a). Article VI, Section 3 a) of the Composite Zoning Ordinance is hereby amended to add the following parking requirements:

USE CATEGORY	SPECIFIC USE	SPACE REQUIREMENT
COMMERCIAL USES		
Commercial Office, Retail Sales, & Services	Farmers' Market	1.25:booth or vendor stall

SECTION 9. Conflicting Ordinances. Exhibit " A", Chapter 14, Leander Code of Ordinances is amended as provided herein. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.

SECTION 10. Savings Clause. All rights and remedies of the City of Leander are expressly saved as to any and all violations of the provisions of any ordinances affecting subdivision within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 11. Effective Date. This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code and the City Charter

SECTION 12. 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 13. 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 9th day of July, 2024.

FINALLY PASSED AND APPROVED on this the 18th day of July, 2024.

ATTEST:

THE CITY OF LEANDER, TEXAS:

Dara Crabtree, City Secretary

Christine DeLisle, Mayor