



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

Pat Bryson Municipal Hall
201 North Brushy Street - Leander, Texas
Thursday, September 12, 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 September 5, 2024 meeting.
4. Review of meeting protocol.
5. Public comments on items not listed in the agenda.

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

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

CONSENT AGENDA: ACTION

6. Approval of the minutes for meetings held on August 22, 2024 Planning & Zoning meeting and September 5, 2024 Joint Workshop.

PUBLIC HEARING: ACTION

7. Conduct a Public Hearing and consider action regarding Zoning Case Z-24-0123 to amend the Northline Planned Unit Development on several parcels of land approximately 115.7076 acres ± in size, out of the William Mancil Survey, Abstract No. 437, the Talbot Chambers Survey, Abstract No. 125; and generally located south of East San Gabriel Parkway and approximately 200 feet east of US 183, Leander, Williamson County, Texas. *[Postponed by Applicant]*
8. Conduct a Public Hearing and consider action regarding Zoning Case Z-24-0127 to amend the current zoning of Northline Planned Unit Development to adopt the Northline Retail Planned Unit Development with base zoning district of GC-2-A (General Commercial) on eight (8) parcels of land approximately

16.0602 acres ± in size, more particularly described by Williamson Central Appraisal District Parcels R517094, R031604, R646992, R646986, R646987, R646988, R646989, and R646990; and generally located southwest of the intersection of East San Gabriel Parkway and 183A Toll Road, Leander, Williamson County, Texas.

- Discuss and consider action regarding Zoning Case Z-24-0127 as described above.

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

9. Conduct a Public Hearing regarding Ordinance Case OR-24-0017 to amend the Subdivision Ordinance to adopt updates to the Parkland Dedication, Park Improvement, and Parkland Fee-in-Lieu regulations and requirements, and to provide for related matters; Williamson & Travis Counties, Texas. Applicant: City of Leander.

- Discuss and consider action regarding Ordinance Case OR-24-0017 as described above.

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

REGULAR AGENDA

10. 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 9th day of September 2024 by 5:00 p.m. pursuant to Chapter 551 of the Texas Government Code.



Veronica Tovar, Secretary



EXECUTIVE SUMMARY
9/12/2024

AGENDA SUBJECT:

Approval of the minutes for meetings held on August 22, 2024 Planning & Zoning meeting and September 5, 2024 Joint Workshop.

BACKGROUND:

HISTORY/TIMELINE:

APPLICANT/AGENT:

RECOMMENDATION:

Staff recommends approval of the minutes.

PRESENTER:

Attachments:

1. 8-22-2024 P & Z Minutes
2. P&Z Draft Minutes Special Meeting 09.05.2024



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

Pat Bryson Municipal Hall
201 North Brushy Street - Leander, Texas
Thursday, August 22, 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 Commissioner Deirdre Moss.
3. Director's report to the Planning & Zoning Commission on action taken by City Council on the August 14, 2024, meeting.
4. Review of meeting protocol.
5. Public comments on items not listed in the agenda.

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

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

No one wished to speak.

CONSENT AGENDA: ACTION

Motion to approve Consent Agenda Item # 6.

By: Board Member May
Seconded: Board Member Oliver

Vote: 6 - 0 None

6. Approval of the minutes for meeting held on July 25, 2024.

PUBLIC HEARING: ACTION

7. Conduct a Public Hearing and consider action regarding Zoning Case Z-24-0135 to amend a portion of the San Gabriel Villas Planned Unit Development on one (1) parcel of land approximately 3.028 acres ± in size, more particularly described by Williamson Central Appraisal District Parcel R588850; legally described as Lot 2, Block B of the Aven Ridge Subdivision, and generally located east of the intersection of Aven Way and 183A Toll Road, Leander, Williamson County, Texas.

- Discuss and consider action regarding Zoning Case Z-24-0135 as described above.

No one spoke in favor or opposition of the request.

Motion to approve Zoning Case Z-24-0135.

By: Board Member Lantrip

Seconded: Board Member Cosgrove

Vote: 6 - 0 None

REGULAR AGENDA

8. Discuss and consider action on Tree Removal Case TRP-24-0027 regarding removal of fifteen (15) Heritage Trees and twenty-six (26) Significant Trees associated with the Leander Union Site Development Project (SD-24-0178) located at 10880 Crystal Falls Parkway, Leander, Williamson County, Texas.

Motion to approve Tree Removal Case TRP-24-0027.

By: Board Member Oliver

Seconded: Board Member May

Vote: 5 - 1 Board Member Calame

9. Receive a presentation regarding Roadway Impact Fee Report.
No action was taken.

10. Discuss and consider action on the Planning & Zoning Commission Progress Report for September 2023 to August 2024.

Motion to approve the Planning & Zoning Commission Progress Report for September with updates discussed.

By: Board Member Oliver

Seconded: Board Member Calame

Vote: 6 - 0 None

11. Adjournment
Meeting adjourned at 6:44 p.m.

APPROVED

CHAIR

ATTEST:

STAFF LIAISON



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

Pat Bryson Municipal Hall
201 North Brushy Street - Leander, Texas
Thursday, September 5, 2024
Special 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**

SPECIAL MEETING

1. Call to order and confirm a quorum is present.

Chair Lantrip called the Planning & Zoning Commission to order at 6:01 p.m. and confirmed all Commissioners were present.

2. Joint discussion with the City Council regarding Comprehensive Plan update scheduled for Fiscal Year 2025, processes and procedures for establishing a multi-year Capital Improvement Program, and the development standards and approval processes.

Discussion included: critical path issues; City Council Vision; water capacity; comprehensive plan update; composite zoning ordinance; Capital Improvements Program; water resolution; rezoning priorities; project phasing; code updates; multi-year program for Capital Improvement Program; City Charter requirements regarding Capital Improvement Plan; project prioritization; CIP Financing Sub-Committee; are conditional improvements possible for construction projects approved now but built in the future if have water concerns; transition between existing neighborhoods with new commercial construction; desire explanation why Council votes differently from Planning and Zoning Commission; understanding other considerations; community survey; and growth of Planning and Zoning Commissioners.

3. Adjournment

Adjourned at 6:50 p.m.

APPROVED

CHAIR

ATTEST:

STAFF LIAISON



EXECUTIVE SUMMARY
9/12/2024

AGENDA SUBJECT:

Conduct a Public Hearing and consider action regarding Zoning Case Z-24-0123 to amend the Northline Planned Unit Development on several parcels of land approximately 115.7076 acres $\pm$ in size, out of the William Mancil Survey, Abstract No. 437, the Talbot Chambers Survey, Abstract No. 125; and generally located south of East San Gabriel Parkway and approximately 200 feet east of US 183, Leander, Williamson County, Texas. *[Postponed by Applicant]*

BACKGROUND:

This request has been postponed.

HISTORY/TIMELINE:

06/21/2018 – Approval of Northline PUD and Concept Plan.

11/20/2019 – Administrative approval of Northline Minor PUD Amendment #1

APPLICANT/AGENT:

Northline Leander Development Company, LP (Alexander H. Tynberg).

RECOMMENDATION:

The application has been postponed. A workshop with City Council is scheduled for September 19, 2024 to further discuss the proposal before proceeding with the request.

PRESENTER:

Karina Castillo, AICP, Planning Manager

Attachments:



EXECUTIVE SUMMARY
9/12/2024

AGENDA SUBJECT:

Conduct a Public Hearing and consider action regarding Zoning Case Z-24-0127 to amend the current zoning of Northline Planned Unit Development to adopt the Northline Retail Planned Unit Development with base zoning district of GC-2-A (General Commercial) on eight (8) parcels of land approximately 16.0602 acres $\pm$ in size, more particularly described by Williamson Central Appraisal District Parcels R517094, R031604, R646992, R646986, R646987, R646988, R646989, and R646990; and generally located southwest of the intersection of East San Gabriel Parkway and 183A Toll Road, Leander, Williamson County, Texas.

- Discuss and consider action regarding Zoning Case Z-24-0127 as described above.

BACKGROUND:

This request is the first step in the zoning process.

HISTORY/TIMELINE:

06/21/2018 – Approval of Northline PUD and Concept Plan.

11/20/2019 – Administrative approval of Northline Minor PUD Amendment

APPLICANT/AGENT:

Endeavor Real Estate Group (R. Charles Northington) on behalf of Northline Leander Development Company, LP. (Alexander H. Tynberg).

RECOMMENDATION:

Staff recommends approval.

PRESENTER:

Karina Castillo, AICP, Planning Manager

Attachments:

1. Z-24-0127 Att 1 Planning Analysis - Northline Retail PUD
2. Z-24-0127 Att 2 Current Zoning - Northline Retail PUD
3. Z-24-0127 Att 3 FLU Map - Northline Retail PUD
4. Z-24-0127 Att 4 Public Notification - Northline Retail PUD
5. Z-24-0127 Att 5 Proposed Zoning - Northline Retail PUD
6. Z-24-0127 Att 6 Aerial Map - Northline Retail PUD
7. Z-24-0127 Att 7 PUD Notes - Northline Retail PUD

8. Z-24-0127 Att 8 Letter of Intent - Northline Retail PUD



PLANNING ANALYSIS

ZONING CASE Z-24-0127
NORTHLINE RETAIL PUD

GENERAL INFORMATION

Owner/Agent:	Endeavor Real Estate Group (R. Charles Northington) on behalf of Northline Leander Development Company, LP. (Alexander H. Tynberg).
Current Zoning:	Northline Planned Unit Development
Proposed Zoning:	Northline Retail Planned Unit Development with base zoning GC-2-A (General Commercial)
Size and Location:	The property is located southwest of the intersection of East San Gabriel Parkway and 183A Toll Road, including approximately 16.06 acres.
Staff Contact:	Karina Castillo, AICP Planning Manager

APPLICANT REQUEST

The applicant has submitted a request to change the designated zoning district of their property in order to develop a retail development along San Gabriel Parkway and 183A Toll Road.

STAFF CONCLUSIONS

Y N

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

SPECIAL CONSIDERATIONS

This site is currently part of the Northline PUD and is proposed to be removed to establish conventional zoning for the property. An administrative PUD amendment is required to remove this property from the Northline PUD.

This site is proposed to be removed from the SmartCode and will follow the Composite Zoning Ordinance, unless alternative standards were approved with this request. The PUD includes perimeter block length being met with private drives instead of streets, removing the square footage limitation for an individual user, reduced minimum setbacks along with maximum setbacks, a reduction in landscaping, alternative parking requirements, and an increase in the amount and size of signage.

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

	ZONING	LAND USE
NORTH	T5-Urban Center	Undeveloped
EAST	PUD-GC	Undeveloped
SOUTH	T5-Urban Center T6-Urban Core	Undeveloped, ACC Campus, CAP Metro Station
WEST	PUD	Undeveloped, Townhomes, Multi-Family

SURROUNDING AREA:

This property is located east of the Northline development and south of the St. David's Emergency Room. The ACC San Gabriel Campus is located towards the south.

PHYSICAL AND NATURAL FEATURES:

This property is vacant and does not contain any tree coverage or creeks.

PROPERTY HISTORY:

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

PREVIOUS ZONING CASES:

The following zone cases were previously submitted for this property:

- 18-TOD-Z-012 requested a zone change from Transit Oriented Development District to Northline PUD and was approved on 06/21/2018.
- 19-TOD-Z-021 requested an amendment to the Northline PUD and was approved on 11/20/2019.

MAJOR CORRIDORS:

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

TRANSPORTATION PLAN REQUIREMENTS:

This property does not include the extension of any new roads proposed on the Transportation Master Plan. All roads and drives within the site are proposed to be private.

The table below includes the 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
San Gabriel Parkway	Arterial	Commercial	126' ROW 6-Lane Arterial 10' sidewalk
183A Toll Road	Access Controlled	Commercial	400' ROW Access Controlled 10' sidewalk

SUBDIVISIONS:

The site has had several subdivision cases that have been previously submitted, approved, and/or completed for this property.

EXISTING UTILITIES:

This property has access to water and wastewater along Doc Miller Street as shown in Figures 1 and 2.



Figure 1: Water System



Figure 2: Wastewater System

CURRENT LAND USES:

This property is currently vacant.

PROPOSED ZONING DISTRICT:
PUD – PLANNED UNIT DEVELOPMENT:

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

USE COMPONENT**GC – GENERAL COMMERCIAL:**

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

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

SITE COMPONENT**TYPE 2:**

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

Intent:

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

ARCHITECTURAL COMPONENT**TYPE 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**

- Strategy 1.1: Guide future growth and development following the comprehensive plan to achieve a more balanced, diverse economy.
- Continue efforts regarding the construction of projects within the Leander Central/Transit-Oriented Development District as a mixed-use urban environment.
- Pursue signature regional attractions, destinations, and events.

Applicable Future Land Use categories**LEANDER CENTRAL**

- The Leander Central future development category encompasses the City's future urban center, in close proximity to Leander Station. This area is envisioned to be a very walkable area which encourages a "sense

of place” and should represent the most dense, urban form Leander will have. This is a highly activated area with first floor storefronts, employment, dense residential, and entertainment.

Land uses are less distinguishable and less regulated in the urban environment, where the focus is more on form than function. Important characteristics in the central location are building relationship with the street and pedestrian movement, signage, street design, and public gathering places.

This area is envisioned to be developed with an urban character, meaning development requires on-street or structured parking and an emphasis on pedestrian walkability. Vehicular circulation occurs along a grid-based network of complete streets with short blocks and focus on safety and efficient distribution of vehicles, bikes and pedestrians.

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 not held with Staff, but the applicant has been working closely with staff to coordinate the process of this project

NOTIFICATION

08/22/2024 - Public Notice on Hill Country News
 08/28/2024 - Mail Notification to Property Owners within 200’
 08/28/2024 - Public Hearing Signage Posted on Property
 09/12/2024 - Planning and Zoning Commission Public Hearing
 09/19/2024 - City Council Public Hearing & First Reading of the Ordinance
 10/03/2024 - City Council Second & Final Reading of the Ordinance

PUBLIC NOTIFICATION:

In addition to the notice mailed on behalf of the City to all property owners within 200’, the agent is required to reach 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’ shall also be contacted.

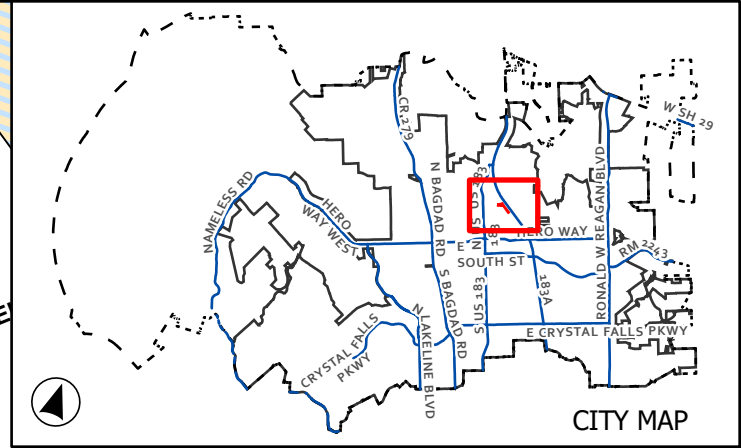
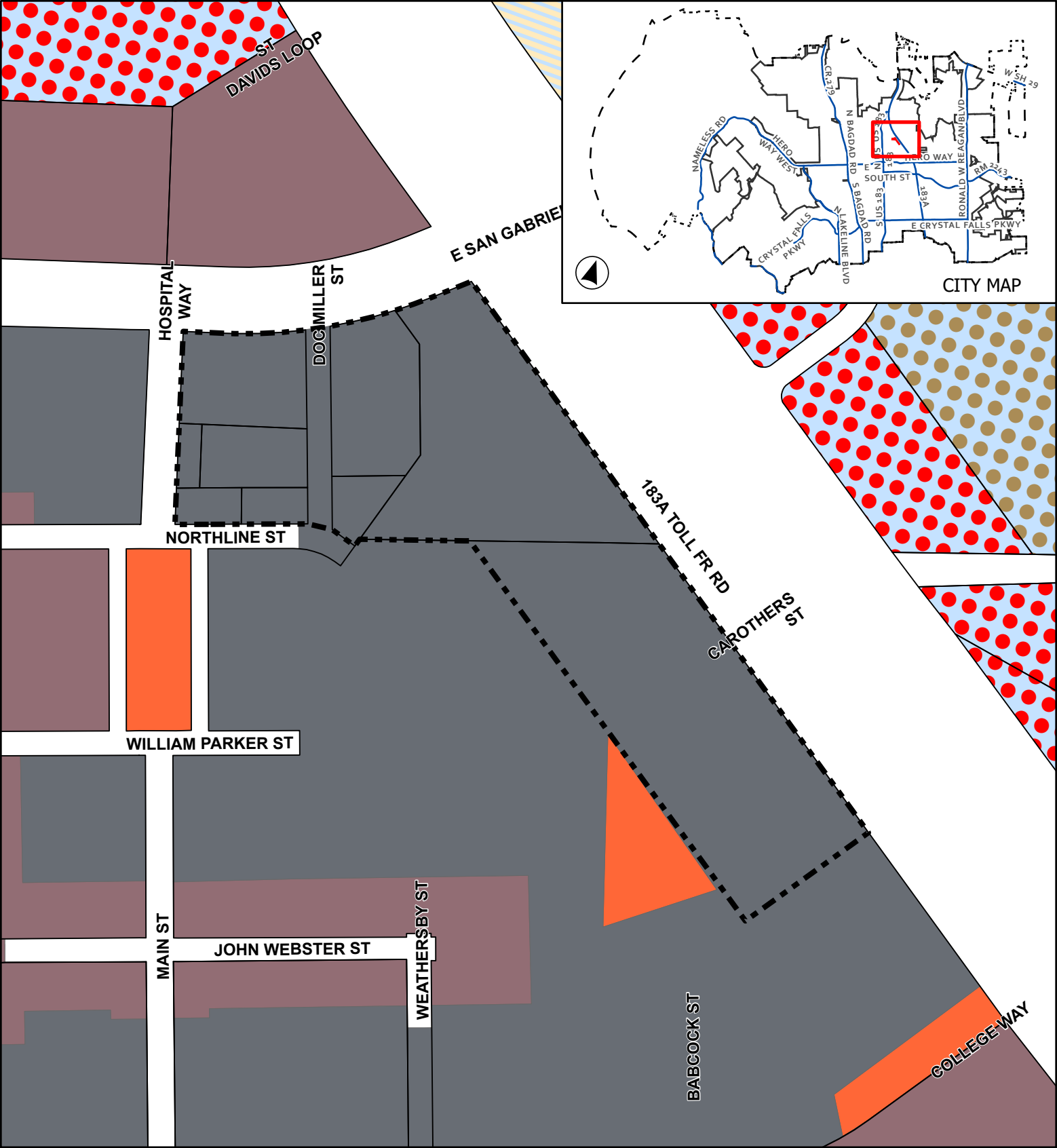
There are no single-family properties within 500’ of the property.

APPROVAL CRITERIA:

The Leander Central future land use category is intended to develop a walkable area with dense urban form with characteristics such as building relationship with the street and pedestrian movement, signage, street design, and public gathering places and requires on-street or structured parking and an emphasis on pedestrian walkability. The applicant is requesting a base zoning of General Commercial (GC) for commercial and retail uses. This PUD includes the following waivers and higher standards:

- **Use Standards:** Prohibits intense uses that are allowed within the GC district but are not compatible with the surrounding area
- **Development Standards:**
 - Removes the limitation of maximum square footage for an individual user.
 - Removes the requirement for streets to meet the perimeter block length and instead use private drives throughout the parking lot. The adjacent streets will not be extended onto this site.

- Provides parking requirement of one space for every 250 square feet of any use within the development as opposed to the current ratios require that vary by use.
 - Setbacks along Main Street and Doc Miller Street are being adjusted to be more compatible with the neighboring development. The Parking, Aisle, Loading, Canopies, and Outdoor Display setbacks are proposed to be reduced from 15 feet to 10 feet along San Gabriel Parkway and 183A Toll Road.
 - The required percentage of landscaping along the frontages of the lots is requested to be reduced from 50% to 25% along with removing the requirement for a wall or berm that screens the parking along the arterial roadways. In addition, the application is requesting to increase the distance of trees being located from every parking space from 50 feet to 75 feet within Block C.
- **Signage:** The PUD is proposing alternative signage requirements:
 - Allowing additional multi-tenant pylon sign along 183A Toll Road.
 - Increasing the sign display area for the pylon from 150 square feet to 500 square feet along 183A Toll Road.
 - Increasing the sign display area for monument signs along San Gabriel is proposed to increase from 120 square feet to 350 square feet.
 - Increasing the maximum height for the monument sign along San Gabriel from 20 feet to 30 feet.
 - Allowing the option for Master Sign Plans for large scale tenants to allow for additional wall signage allowance as approved by the Director.



CASE: Z-24-0127

ATTACHMENT 2

NORTHLINE RETAIL PUD

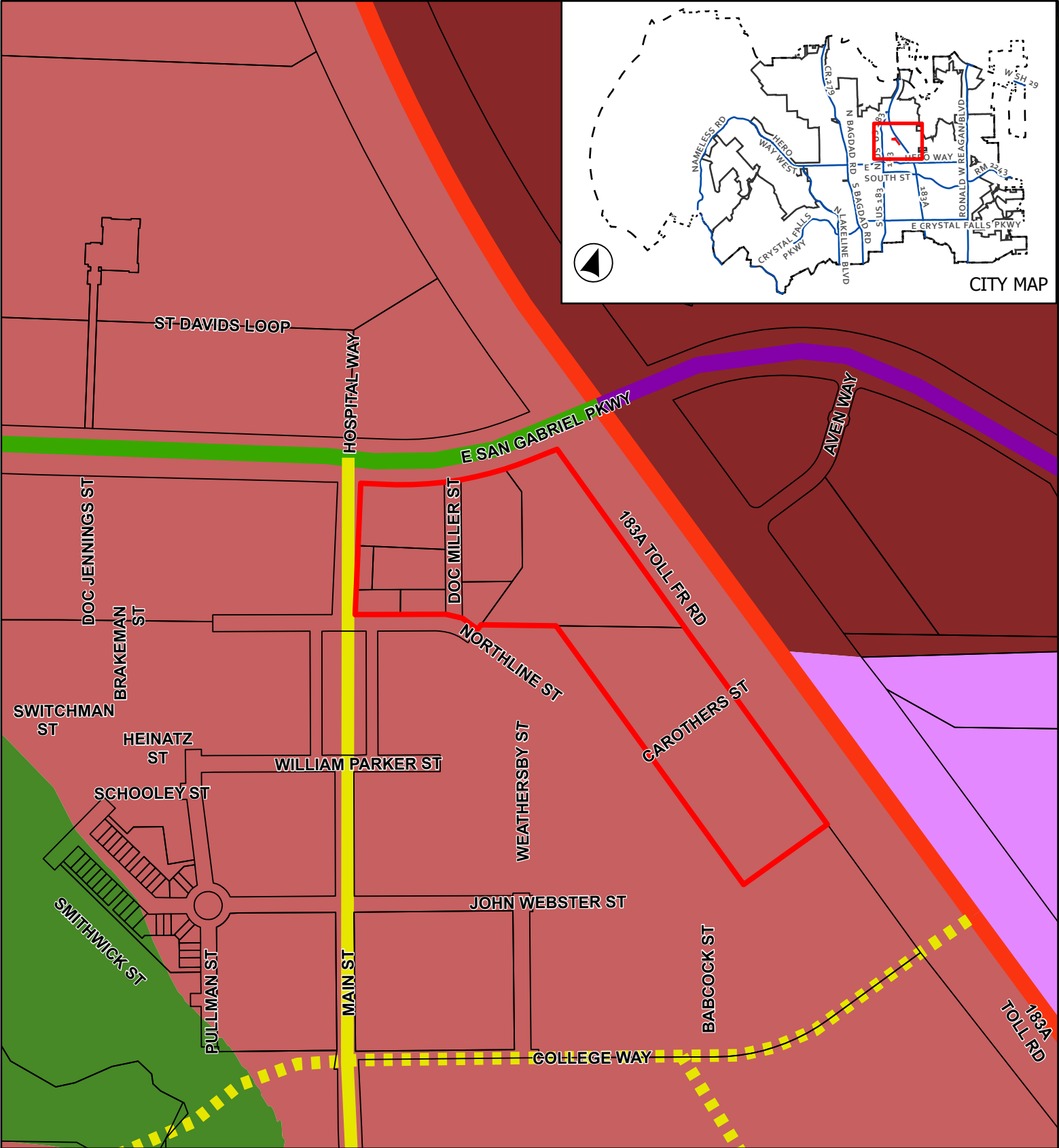
Current Zoning

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

0 100 200 Feet

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CASE: Z-24-0127

ATTACHMENT 3

NORTHLINE RETAIL PUD

Future Land Use Map



0 170 340

Feet

- Leander City Limits
- ETJ Boundary
- Subject Boundary

Future Land Use

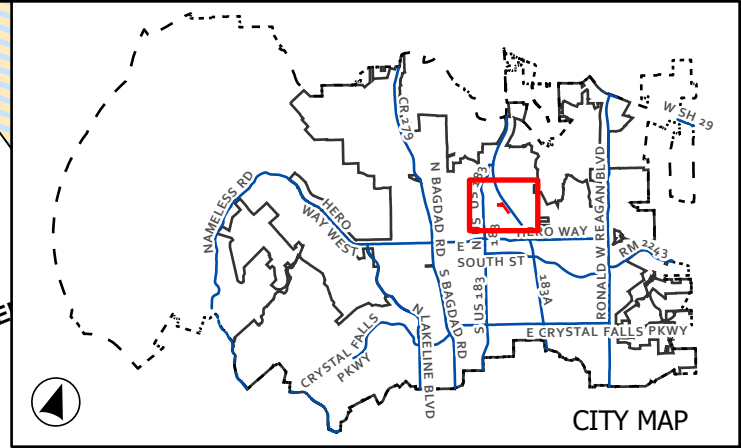
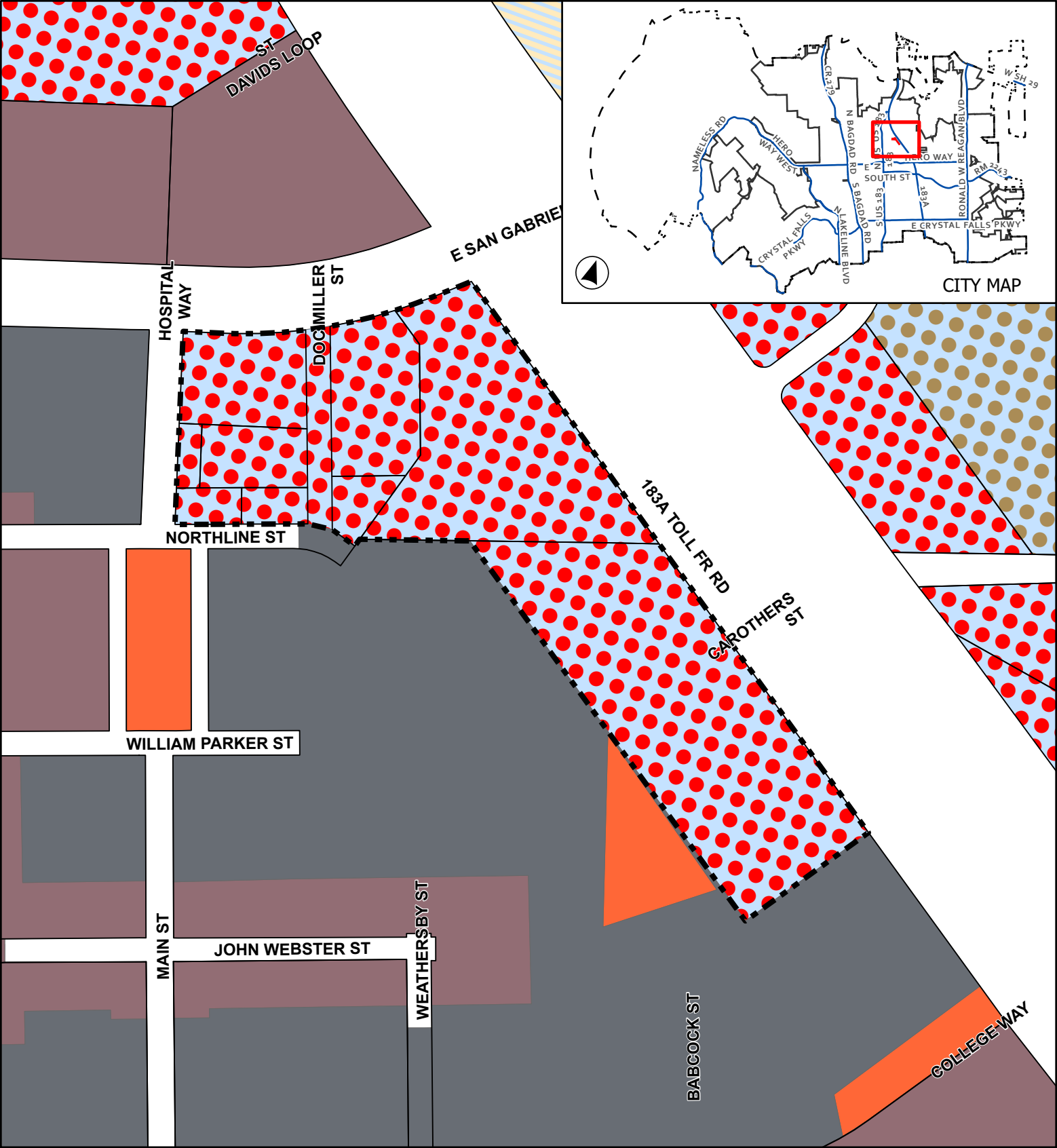
- Activity Center

Thoroughfare Plan

- Employment Center
- Leander Central
- Greenway
- Access Controlled, Existing

- Arterial 6 Lane, Existing
- Arterial 4 Lane, Existing
- Collector, Existing
- Collector, Proposed

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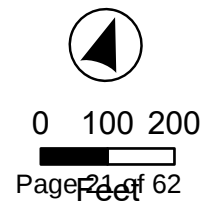


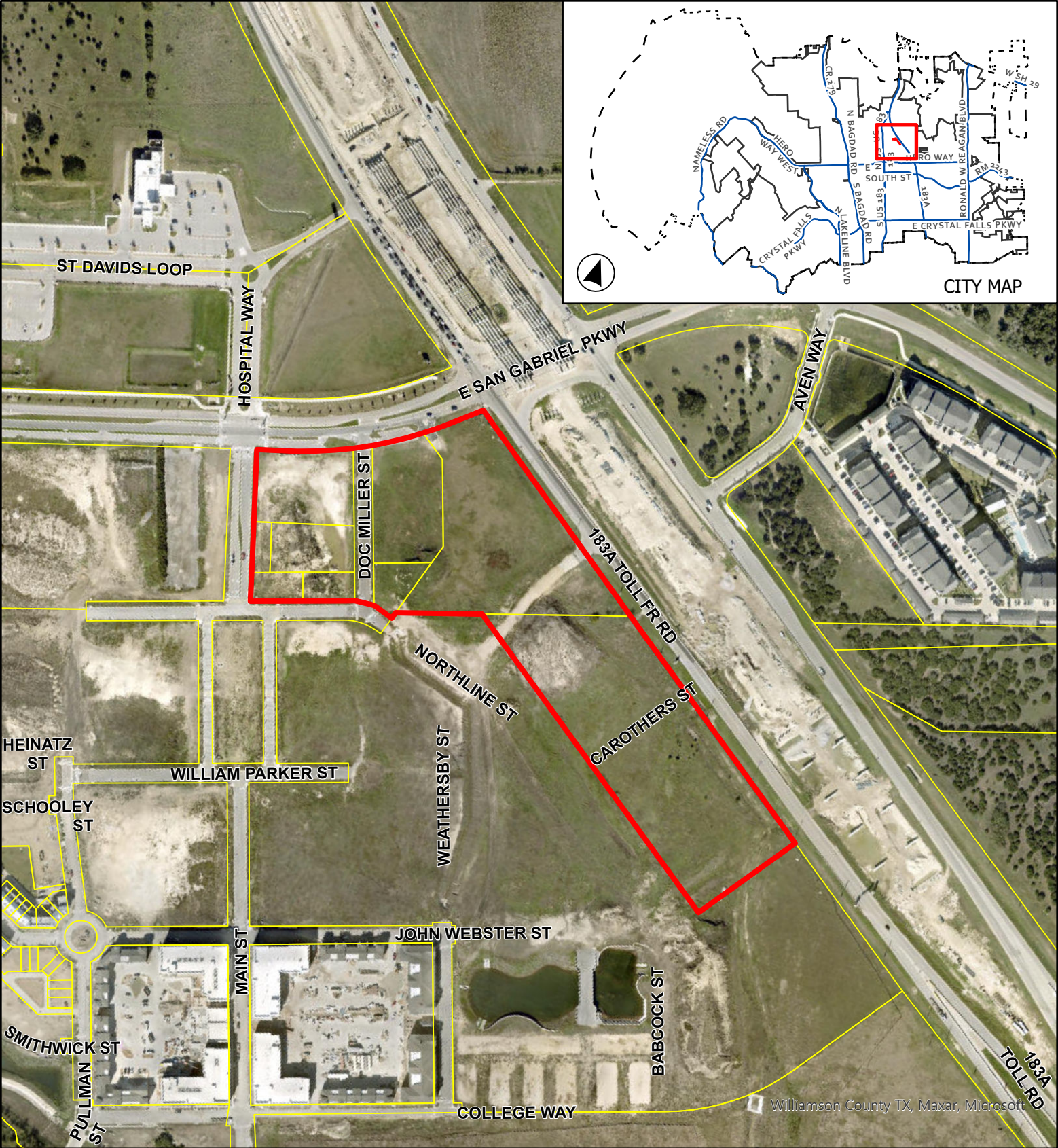
CASE: Z-24-0127 ATTACHMENT 5 NORTHLINE RETAIL PUD

Proposed Zoning

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- | | |
|--------------------------------|--------------------------|
| Leander City Limits | PUD - General Commercial |
| Extra-Territorial Jurisdiction | CD - Conventional Sector |
| Subject Boundary | Civic Building |
| PUD - Multi-Family | T5 - Urban Center |
| PUD - Local Commercial | T6 - Urban Core |





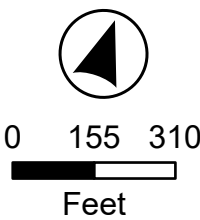
CASE: Z-24-0127

ATTACHMENT 6

NORTHLINE RETAIL PUD

Aerial Map

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- Leander City Limits
- Subject Boundary

EXHIBIT A

Northline Retail Planned Unit Development

I. Purpose and Intent

- A. The Northline Retail PUD (the “PUD”) is comprised of approximately 16.08 acres, as shown in **Exhibit B** (the “Property”). The development of this Property includes commercial / retail style development.
- B. The PUD has been designed to provide retail and commercial services to the surrounding area. The contents of this PUD further explain and illustrate the overall appearance and function desired for this development. A Conceptual Site Layout and Land Use Plan has been attached to this PUD, **Exhibit C**, to illustrate the design intent for the Property. The Conceptual Site Layout and Land Use Plan is intended to serve as a guide to illustrate the general development vision and design concepts and is not intended to serve as a final document. The Conceptual Site Layout and Land Use Plan depicts a mix of non-residential uses and open space areas which are contemplated within the development.

II. Applicability and Base Zoning

- A. 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**.
- B. For the purpose of establishing development standards for the PUD, the following base zoning districts have been selected from the Leander Composite Zoning Ordinance.

GC-2-A (General Commercial)

III. Street Network

- A. All streets and roadways within the PUD shall be private.
- B. Perimeter block length requirements will be met through private drives.

IV. Prohibited/Allowed Uses

- A. The allowable uses shall include all commercial uses permitted in the GC use component.
- B. The following uses are prohibited:
 - 1. Animal hospital, animal boarding including a crematory associated with such use on site, or a crematory associated with a cemetery.
 - 2. Farms or truck gardens, limited to the propagation and cultivation of plants and provided further that no poultry or livestock.

3. Funeral home, including embalming and crematory facilities associated with an on-site funeral home or cemetery.
 4. Manufactured housing sales and accessory building sales.
 5. Office/warehouse including painting, plumbing or other similar commercial service.
 6. Transportation related facilities including commercial parking lots, passenger terminals, taxi cab stations and mass transit terminals.
 7. New vehicle and major equipment sales, rental or leasing, repair of new or used vehicles, body shop
 8. Wholesale activities with less than 3,500 square feet of gross area of the business.
- C. Individual users shall not be limited to a maximum gross square footage in a single building. A single building shall not be limited to a maximum square footage of floor area.

V. Setbacks

- A. All setbacks shall comply with the City of Leander Composite Zoning Ordinance, except as modified below:

Nonresidential and District Setbacks

	Minimum Building Setback	Maximum Building Setback*
Main Street	0 feet	30 feet
Doctor Miller Street	0 feet	30 feet

*Maximum Street Side Setback may be amended as approved by the Planning Director.

Parking, Aisle, Loading, Canopies, Outdoor Display Setbacks

	Parking Setback
183A Toll Road	10 feet
San Gabriel Parkway	10 feet

VI. Landscaping

A. Landscape Requirements

1. Twenty-five percent (25%) of the required landscaped area and required plantings contained in the landscape requirements shall be installed between the front property lines and the building being constructed.
2. To reduce the thermal impact of unshaded parking lots, additional trees shall be planted as necessary so that the center point of each parking space is no more than 75 feet away from the trunk of a tree in Block C of **Exhibit C**.

B. Major Corridor Streetscape Standards

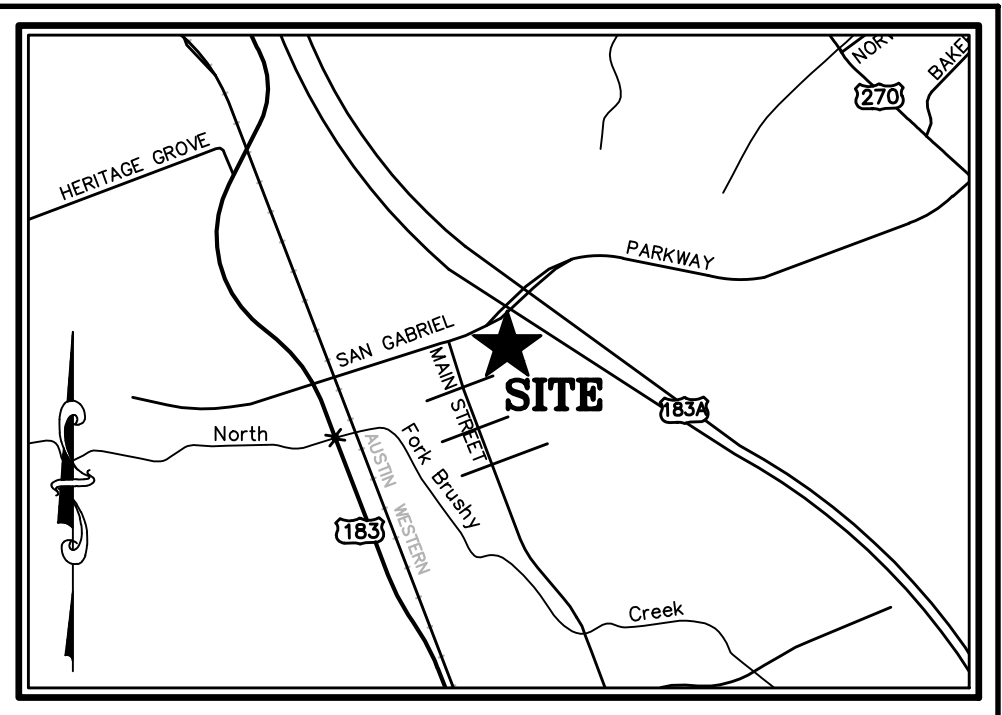
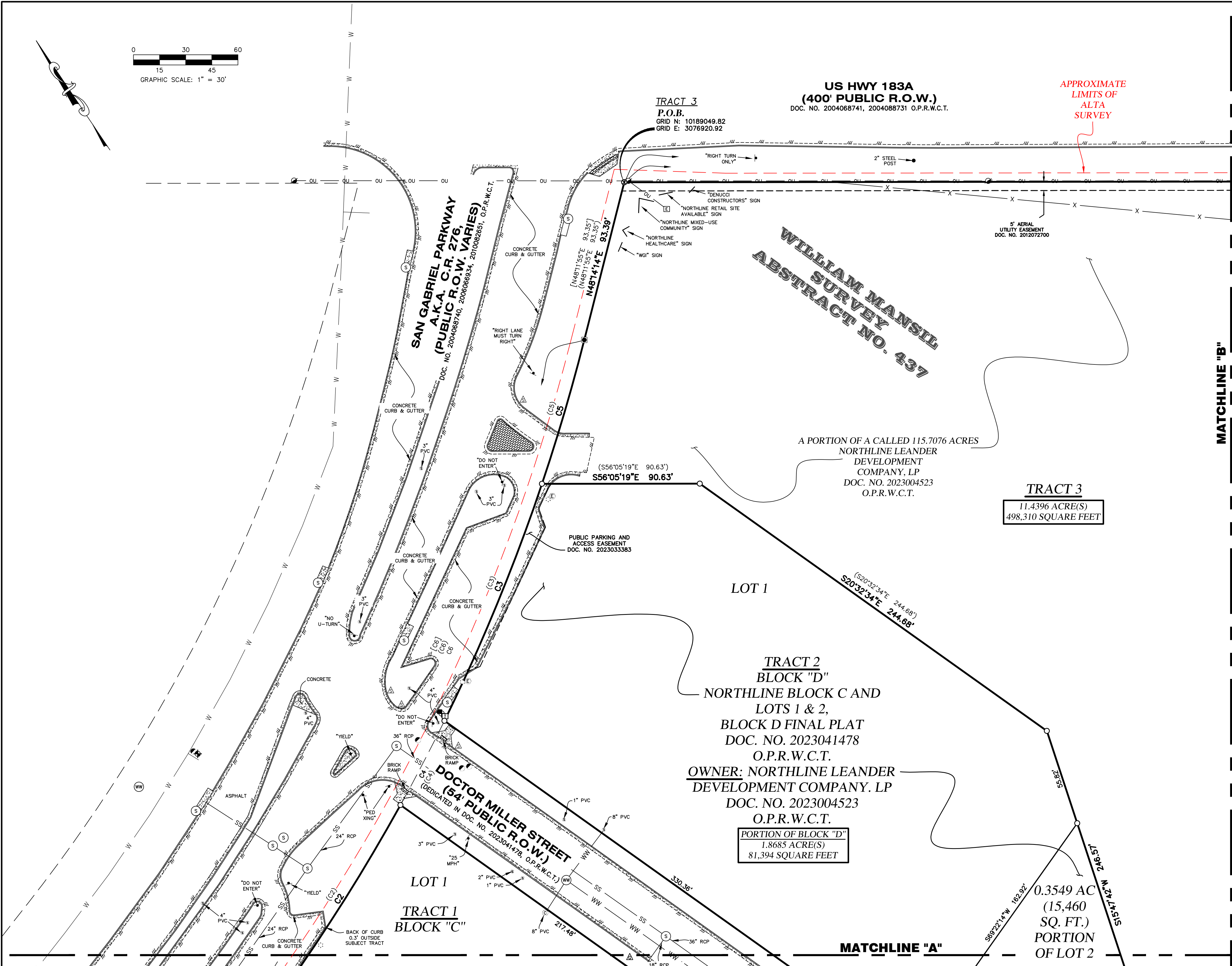
A parking lot located between the right-of-way and a building along a corridor shall not be required to be fully screened from view of the corridor to a height of four (4) feet with a wall or berm.

VII. Off-Street Parking.

- A. Off-street parking shall be provided at a rate of no less than 1 space per 250 square feet across the PUD area. This shall be calculated across the entire PUD area as opposed to by use.

VIII. Signage.

- A. Two (2) multi-tenant pylon signs may be installed along 183A Toll Road.
- B. Maximum square feet of sign display area for multi-tenant pylon sign along a Toll Road may be up to five-hundred (500) square feet.
- C. Maximum square feet of sign display area for monument signs on an Arterial Road for developments 5 acres and greater may be three hundred fifty (350) square feet.
- D. Maximum height for monument signs on an Arterial Road for developments five (5) acres and greater may be thirty (30) feet.
- E. A Master Sign Plan may be approved by the Director of Planning for other areas of this PUD to provide additional allowances for wall signage for large scale tenants that are a minimum of twenty-thousand (20,000) square feet in size



LEGEND	
—	PROPERTY LINE
- - -	ADJACENT PROPERTY LINES
- - -	EXISTING EASEMENT LINES
○	CALCULATED POINT
△	1/2" IRON ROD WITH "4WARD
○	BOUNDARY" CAP SET
●	1/2" IRON ROD FOUND
●	(UNLESS NOTED)
●	IRON ROD WITH "BAKER AIKLEN"
●	CAP FOUND (UNLESS NOTED)
●	COTTON SPINDLE FOUND
●	TXDOT TYPE II BRASS DISC
●	FOUND (UNLESS NOTED)
△	SURVEY CONTROL POINT
●	BOLLARD POST (UNLESS NOTED)
●	CLEAN OUT
●	ELECTRIC JUNCTION BOX
●	ELECTRIC METER
●	ELECTRIC TRANSFORMER
●	FIRE HYDRANT
●	GAS VALVE
●	LIGHT POLE
●	STUB-OUT PIPE
●	TELECOMMUNICATIONS PEDESTAL
●	TELECOMMUNICATIONS MANHOLE
●	TRAFFIC SIGNAL POLE
●	WATER VALVE
●	WATER FAUCET
●	DRAIN INLET
●	STORM SEWER MANHOLE
●	WASTEWATER MANHOLE
●	WATER MANHOLE
●	SIGN (AS NOTED)
●	POWER/UTILITY POLE
●	GUY ANCHOR
●	GAS MARKER POST
●	STOP SIGN
●	PARKING SIGN
—	EDGE OF ASPHALT
—	GUARD RAIL
X	WIRE FENCE
G	GAS LINE
T	UNDERGROUND TELECOMMUNICATIONS
OU	OVERHEAD UTILITY
WW	WASTEWATER LINE
W	WATER LINE
SS	STORM SEWER LINE
CONC	CONCRETE
BRICK	BRICK
STONE	STONE
CONC	CONCRETE
RCP	REINFORCED CONCRETE PIPE
PVC	POLYVINYL CHLORIDE PIPE
P.O.B.	POINT OF BEGINNING
DOC. NO.	DOCUMENT NUMBER
R.O.W.	RIGHT-OF-WAY
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
(.....)	RECORD INFORMATION PER PLAT DOC. NO. 2023041478
[.....]	RECORD INFORMATION PER PLAT DOC. NO. 202304523

LEGAL DESCRIPTION:

TRACT 1: LOT(S) 1, 2, 3, 4 AND 5, BLOCK C, NORTHLINE BLOCK C AND LOTS 1 & 2, BLOCK D FINAL PLAT, A SUBDIVISION IN WILLIAMSON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED UNDER DOCUMENT NO. 2023041478 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS.

TRACT 2: ALL OF LOT 1 AND A 0.3549 ACRE (15,460 SQ. FEET) PORTION OF LOT 2, BLOCK D, NORTHLINE BLOCK C AND LOTS 1 & 2, BLOCK D FINAL PLAT, A SUBDIVISION IN WILLIAMSON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED UNDER DOCUMENT NO. 2023041478 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS.

TRACT 3: BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND CONTAINING 11.4396 ACRES, MORE OR LESS, SITUATED IN THE TALBOT CHAMBERS SURVEY, ABSTRACT NO. 125, AND THE WILLIAM MANSIE SURVEY, ABSTRACT NO. 437, WILLIAMSON COUNTY, TEXAS.

TRACT 4: BEING A 0.0200 ACRE (870 SQUARE FEET) PORTION OF NORTHLINE STREET (54' PUBLIC RIGHT-OF-WAY), A PUBLIC RIGHT-OF-WAY IN THE CITY OF LEANDER DEDICATED IN DOCUMENT NO. 2023041478 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS.

BEARING BASIS:

ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, GRID CENTRAL ZONE, (4203), NAD83, ALL DISTANCES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.000138805545.

SURVEY CONTROL:

STATE PLANE GRID CONTROL FOR THIS SURVEY IS BASED ON A 1/2" IRON ROD WITH "4WARD CONTROL" CAP SET, GRID COORDINATES AND ELEVATIONS (NAVD 88) SHOWN HEREON WERE DERIVED FROM THE TEXAS COOPERATIVE NETWORK ON DATE 08-23-2016. 4WARD CONTROL POINT WAS CHECKED TO LCRA, MON AZ53, HAVING A PUBLISHED GRID COORDINATE & NAVD 88, ELEVATION OF N 10183259.8400, E 3077908.5950, ELEV. 972.29'.

FLOODPLAIN NOTE:

THIS PROPERTY IS LOCATED WITHIN ZONE "X", AREAS OF MINIMAL FLOOD HAZARD, AS SHOWN ON F.I.R.M. MAP NO. 48491C0455F, WILLIAMSON COUNTY, TEXAS AND INCORPORATED AREAS, MAP REVISED DECEMBER 20, 2019.

THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

UTILITY NOTE:

THE SURVEYOR MAKES NO GUARANTEES THAT THE UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED (UTILITIES SHOWN HEREON MAY BE EXAGGERATED FOR GRAPHIC REPRESENTATION ONLY) ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES ONLY THE VISIBLE ABOVE GROUND UTILITY STRUCTURES.

GENERAL NOTES:

- PROPERTY ADDRESS: MAIN STREET, DOCTOR MILLER STREET, NORTHLINE STREET & SAN GABRIEL PARKWAY, LEANDER, TX 78641 (NO ADDRESS DETERMINATION WAS PROVIDED TO THE SURVEYOR FOR THE SUBJECT TRACTS)
- THE LOCATION OF FENCES AND THE SIZE AND LOCATION OF UTILITY STRUCTURES, (IF SHOWN), MAY BE EXAGGERATED FOR GRAPHICAL CLARITY.
- THERE WERE NO BUILDINGS ON THIS TRACT AT THE TIME OF THE ON-THE-GROUND FIELD SURVEY.
- THERE WERE NO STRIPED PARKING SPACES ON THIS SITE AT THE TIME OF SURVEY.
- THIS SITE WAS UNDER CONSTRUCTION AT TIME OF THE ON-THE-GROUND FIELD SURVEY, SITE GRADING WAS OCCURRING ON THIS LOT AND THE SURROUNDING LOTS.
- AT THE TIME OF THE FIELD SURVEY, THERE WAS NO EVIDENCE THAT THIS SITE IS OR WAS USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.
- THE PROPERTY IS NOT LOCATED WITHIN ANY WETLAND AREAS PER US DEPARTMENT OF THE INTERIOR FISH AND WILDLIFE SERVICE NATIONAL WETLANDS INVENTORY MAP.
- THERE WAS NO ZONING REPORT OR ZONING LETTER PROVIDED TO THE SURVEYOR AT THE TIME OF THE SURVEY.

ALTA/NSPS CERTIFICATION:

TO: NORTHLINE LEANDER DEVELOPMENT COMPANY, LP
CERCO DEVELOPMENT, INC.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1-4, 8-9 AND 13 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON (MAY 18, 2022).

STEVEN M. DUARTE, R.P.L.S.
TEXAS REGISTRATION NO. 5940
SDUARTE@4WARDLS.COM

7/23/2024
DATE



ALTA/NSPS LAND TITLE SURVEY

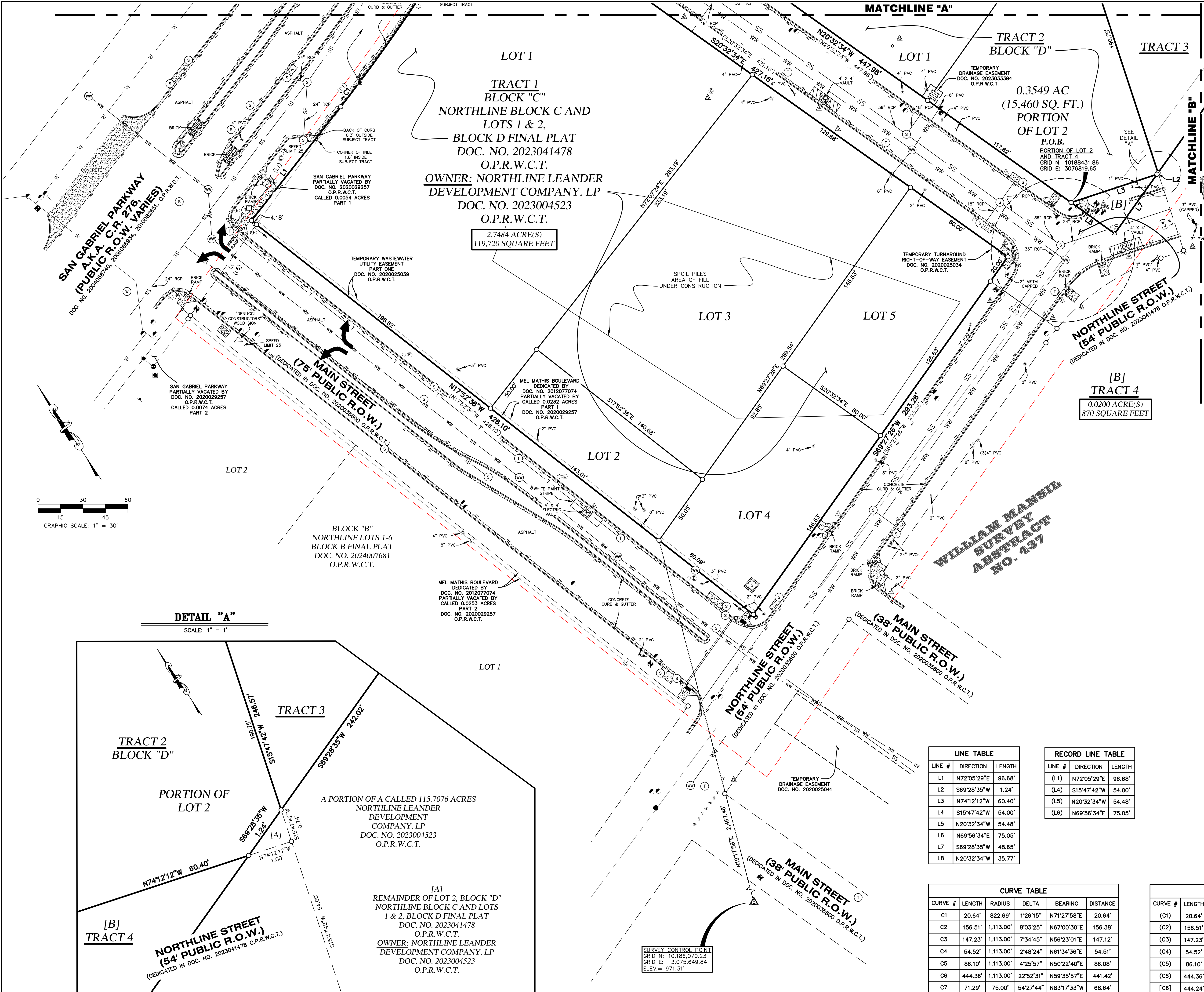
City of Leander, Williamson County, Texas

4WARD Land Surveying

A Limited Liability Company

PO Box 90876, Austin Texas 78709
INFO@4WARDLS.COM (512) 537-2384
TPELS FIRM #10114300

Date:	7/23/2024
Project:	00508
Scale:	1" = 30'
Reviewer:	PRB
Tech:	EBD
Field Crew:	SV/
Survey Date:	MAY 2024
Sheet:	1 OF 4



TITLE COMMITMENT NOTES:
COMMITMENT FOR TITLE INSURANCE PREPARED BY: FIRST AMERICAN TITLE INSURANCE COMPANY
G.F. NO.: 202401883
EFFECTIVE DATE: JUNE 21, 2024
ISSUED: JULY 3, 2024

THE SURVEYOR HAS RELIED UPON THE REFERENCED COMMITMENT FOR TITLE REGARDING EASEMENTS, RESTRICTIONS, AND OTHER MATTERS AFFECTING THIS PROPERTY. NO ADDITIONAL RESEARCH WAS DONE FOR THE PURPOSE OF THIS SURVEY. ITEMS LISTED ARE WORDED ACCORDING TO THE COMMITMENT, FOLLOWED BY SURVEYOR'S NOTES AND/OR OBSERVATIONS SHOWN IN BRACKETS. []

1) THE FOLLOWING RESTRICTIVE COVENANTS OF RECORD ITEMIZED BELOW:

DOCUMENT NO. 2016069577 OF THE OFFICIAL PUBLIC RECORDS; [SUBJECT TO]
DOCUMENT NO. 2021137384 OF THE OFFICIAL PUBLIC RECORDS; [SUBJECT TO]
DOCUMENT NO. 2022007152 OF THE OFFICIAL PUBLIC RECORDS; [SUBJECT TO]
DOCUMENT NO. 2023011433 OF THE OFFICIAL PUBLIC RECORDS; [SUBJECT TO]
DOCUMENT NO. 2023011474 OF THE OFFICIAL PUBLIC RECORDS; [SUBJECT TO]
DOCUMENT NO. 2023037818 OF THE OFFICIAL PUBLIC RECORDS; [SUBJECT TO] AND
DOCUMENT NO. 2023041478 OF THE OFFICIAL PUBLIC RECORDS; [SUBJECT TO]
ALL AS RECORDED IN WILLIAMSON COUNTY TEXAS.

10) THE FOLLOWING MATTERS AND ALL TERMS OF THE DOCUMENTS CREATING OR OFFERING EVIDENCE OF THE MATTERS:

A. DRAINAGE EASEMENTS GRANTED TO WILLIAMSON COUNTY, TEXAS, BY INSTRUMENT DATED DECEMBER 15, 2005, RECORDED UNDER DOCUMENT NO. 2005101028 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS AND AS AFFECTED BY INSTRUMENT RECORDED UNDER DOCUMENT NO. 2012077075 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS. [DOES NOT AFFECT]

B. TEMPORARY DRAINAGE EASEMENT GRANTED TO THE CITY OF LEANDER, TEXAS, BY INSTRUMENT DATED OCTOBER 25, 2007, RECORDED UNDER DOCUMENT NO. 2007090878 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS. [DOES NOT AFFECT]

C. THE TERMS, CONDITIONS AND STIPULATIONS OF THAT CERTAIN DEVELOPMENT AND REIMBURSEMENT AGREEMENT DATED OCTOBER 6, 2011, RECORDED UNDER DOCUMENT NO. 2011086122 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS. ADDENDUM TO AGREEMENT RECORDED UNDER DOCUMENT NO. 2013030293 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS. AMENDED ADDENDUM TO DEVELOPMENT AND REIMBURSEMENT AGREEMENT FOR THE VILLAGE AT LEANDER STATION RECORDED UNDER DOCUMENT NO. 2014037224 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS. SECOND ADDENDUM TO THE DEVELOPMENT AND REIMBURSEMENT AGREEMENT FOR THE VILLAGE AT LEANDER STATION RECORDED UNDER DOCUMENT NO. 2016043754 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS. (ALL TRACTS) [SUBJECT TO]

D. THE TERMS, CONDITIONS AND STIPULATIONS OF THAT CERTAIN DEVELOPMENT AND REIMBURSEMENT AGREEMENT FOR RB 270 PARTNERSHIP DATED OCTOBER 6, 2011, RECORDED UNDER DOCUMENT NO. 2011086121 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS. AND AMENDED UNDER DOCUMENT NO. 2013030292, 2016010199 AND 2018030796 THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS AND BEING FURTHER AFFECTED BY ASSIGNMENTS RECORDED UNDER DOCUMENT NOS. 2019056977 AND 2022069980 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS. (ALL TRACTS) [SUBJECT TO]

E. TEMPORARY DRAINAGE EASEMENT GRANTED TO THE CITY OF LEANDER, TEXAS, BY INSTRUMENT DATED APRIL 17, 2012, RECORDED UNDER DOCUMENT NO. 2012097782 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS. [DOES NOT AFFECT - EXPIRED]

F. TEMPORARY TURNAROUND RIGHT-OF-WAY EASEMENT GRANTED TO THE CITY OF LEANDER, BY INSTRUMENT DATED FEBRUARY 27, 2020, RECORDED UNDER DOCUMENT NO. 2020025034 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS. [SUBJECT TO - SHOWN ON SURVEY]

G. TEMPORARY TURNAROUND RIGHT-OF-WAY EASEMENT GRANTED TO THE CITY OF LEANDER, BY INSTRUMENT DATED FEBRUARY 27, 2020, RECORDED UNDER DOCUMENT NO. 2020025035 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS. [DOES NOT AFFECT]

H. TEMPORARY WATER QUALITY POND EASEMENT GRANTED TO THE CITY OF LEANDER, BY INSTRUMENT DATED FEBRUARY 27, 2020, RECORDED UNDER DOCUMENT NO. 2020025037 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS. [DOES NOT AFFECT]

I. TEMPORARY WASTEWATER UTILITY EASEMENT GRANTED TO THE CITY OF LEANDER, BY INSTRUMENT DATED FEBRUARY 27, 2020, RECORDED UNDER DOCUMENT NO. 2020025039 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS. [SUBJECT TO - SHOWN ON SURVEY]

J. TEMPORARY DRAINAGE EASEMENT GRANTED TO THE CITY OF LEANDER, BY INSTRUMENT DATED FEBRUARY 27, 2020, RECORDED UNDER DOCUMENT NO. 2020025041 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS. [DOES NOT AFFECT]

K. TEMPORARY DRAINAGE EASEMENT GRANTED TO THE CITY OF LEANDER, BY INSTRUMENT DATED FEBRUARY 27, 2020, RECORDED UNDER DOCUMENT NO. 2020025046 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS. [DOES NOT AFFECT]

L. LIENS SECURING ASSESSMENTS AND/OR CHARGES PAYABLE TO NORTHLINE PROPERTY OWNERS' MASTER ASSOCIATION AS SET OUT IN AMENDED AND RESTATED MASTER DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR NORTHLINE PROPERTY OWNERS MASTER ASSOCIATION RECORDED UNDER DOCUMENT NO. 2023011433 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS. (ALL TRACTS) [SUBJECT TO]

COMPANY INSURES THE INSURED AGAINST LOSS, IF ANY, SUSTAINED BY THE INSURED UNDER THE TERMS OF THE POLICY IF THIS ITEM IS NOT SUBORDINATE TO THE LIEN OF THE INSURED MORTGAGE. (LOAN POLICY ONLY) (FIRST LIEN PURCHASE MONEY AND/OR CONSTRUCTION LIEN)

M. TEMPORARY WASTEWATER UTILITY EASEMENT GRANTED TO THE CITY OF LEANDER, BY INSTRUMENT DATED FEBRUARY 27, 2020, RECORDED UNDER DOCUMENT NO. 2020025039 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS. (ALL TRACTS) [SUBJECT TO - SHOWN ON SURVEY]

N. THE TERMS, CONDITIONS AND STIPULATIONS OF THAT CERTAIN DEVELOPMENT AGREEMENT FOR THE NORTHLINE PUD DATED JUNE 7, 2018, RECORDED UNDER DOCUMENT NO. 2018050888 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS AND RE-RECORDED UNDER DOCUMENT NO. 2018070935 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS AND BEING FURTHER AFFECTED BY ASSIGNMENTS RECORDED UNDER DOCUMENT NOS. 2019060935, 2019060936, 2022074891, 2022069967 AND 2023040424 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS. (ALL TRACTS) [SUBJECT TO]

O. THE RIGHTS OF UPPER BRUSHY CREEK WATER CONTROL AND IMPROVEMENT DISTRICT TO LEVY TAXES AND ISSUE BONDS. [SUBJECT TO]

P. SUBJECT TO ALL DEFINITIONS, EASEMENTS, COVENANTS, LIMITATIONS, CONDITIONS, RIGHTS, PRIVILEGES, OBLIGATIONS, LIABILITIES, AND ALL OTHER TERMS AND PROVISIONS OF THAT CERTAIN AMENDED AND RESTATED MASTER DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR NORTHLINE, RECORDED UNDER DOCUMENT NO. 2023011433 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS. (ALL TRACTS) [SUBJECT TO]

Q. SUBJECT TO ALL DEFINITIONS, EASEMENTS, COVENANTS, LIMITATIONS, CONDITIONS, RIGHTS, PRIVILEGES, OBLIGATIONS, LIABILITIES, AND ALL OTHER TERMS AND PROVISIONS OF THAT CERTAIN SECOND AMENDED AND RESTATED NORTHLINE DOWNTOWN DISTRICT SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, RECORDED UNDER DOCUMENT NO. 2023011474 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS. [SUBJECT TO]

R. LIENS SECURING ASSESSMENTS AND/OR CHARGES PAYABLE TO THE NORTHLINE DOWNTOWN ASSOCIATION AS SET OUT IN SECOND AMENDED AND RESTATED NORTHLINE DOWNTOWN DISTRICT SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS RECORDED UNDER DOCUMENT NO. 2023011474 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS. [SUBJECT TO]

COMPANY INSURES THE INSURED AGAINST LOSS, IF ANY, SUSTAINED BY THE INSURED UNDER THE TERMS OF THE POLICY IF THIS ITEM IS NOT SUBORDINATE TO THE LIEN OF THE INSURED MORTGAGE. (LOAN POLICY ONLY)

LINE TABLE			RECORD LINE TABLE		
LINE #	DIRECTION	LENGTH	LINE #	DIRECTION	LENGTH
L1	N72°05'29"E	96.68'	(L1)	N72°05'29"E	96.68'
L2	S69°28'35"W	1.24'	(L4)	S15°47'42"W	54.00'
L3	N74°12'12"W	60.40'	(L5)	N20°32'34"W	54.48'
L4	S15°47'42"W	54.00'	(L6)	N69°56'34"E	75.05'
L5	N20°32'34"W	54.48'			
L6	N69°56'34"E	75.05'			
L7	S69°28'35"W	48.65'			
L8	N20°32'34"W	35.77'			

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	BEARING	DISTANCE
C1	20.64'	822.69'	1°26'15"	N71°27'58"E	20.64'
C2	156.51'	1,113.00'	8°03'25"	N67°00'30"E	156.38'
C3	147.23'	1,113.00'	7°34'45"	N56°23'01"E	147.12'
C4	54.52'	1,113.00'	2°48'24"	N61°34'36"E	54.51'
C5	86.10'	1,113.00'	4°25'57"	N50°22'40"E	86.08'
C6	444.36'	1,113.00'	22°52'31"	N59°35'57"E	441.42'
C7	71.29'	75.00'	54°27'44"	N83°17'33"W	68.64'

RECORD CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	BEARING	DISTANCE
(C1)	20.64'	822.69'	1°26'15"	N71°27'58"E	20.64'
(C2)	156.51'	1,113.00'	8°03'25"	N67°00'30"E	156.38'
(C3)	147.23'	1,113.00'	7°34'45"	N56°23'01"E	147.12'
(C4)	54.52'	1,113.00'	2°48'24"	N61°34'36"E	54.51'
(C5)	86.10'	1,113.00'	4°25'57"	N50°22'40"E	86.08'
(C6)	444.36'	1,113.00'	22°52'31"	N59°35'57"E	441.42'
(C6)	444.24'	1,113.00'	22°52'09"	N59°35'56"E	441.30'

ALTA/NSPS LAND
TITLE SURVEY
City of Leander,
Williamson County,
Texas

4WARD
Land Surveying

A Limited Liability Company

PO Box 90876, Austin Texas 78709
INFO@4WARDLANDSURVEYING.COM (512) 537-2384
TSP#15 FIRM#10174300

Date: 7/23/2024
Project: 00508
Scale: 1" = 30'
Reviewer: PRB
Tech: EBD
Field Crew: SV/
Survey Date: MAY 2024
Sheet: 2 OF 4

Page 27 of 62

S. THE TERMS, CONDITIONS AND STIPULATIONS OF THE NORTHLINE PUD DEVELOPMENT AND REIMBURSEMENT AGREEMENT, AN UNRECORDED AGREEMENT, DATED AUGUST 28, 2018, AS AFFIRMED BY DOCUMENT NO. 2012122194 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS. [REDACTED] AFFIRMED BY ASSIGNMENTS RECORDED UNDER DOCUMENT NOS. 2019056973, 2019107846 AND 2022069814 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS. [SUBJECT TO]

T. PUBLIC PARKING AND ACCESS EASEMENT GRANTED TO THE CITY OF LEANDER, BY INSTRUMENT DATED APRIL 24, 2023, RECORDED UNDER DOCUMENT NO. 2023033383 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS. [SUBJECT TO - SHOWN ON SURVEY]

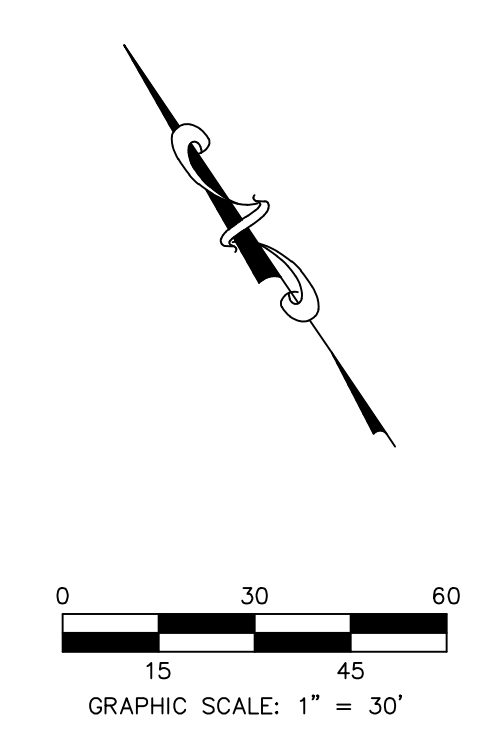
U. TEMPORARY DRAINAGE EASEMENT GRANTED TO THE CITY OF LEANDER, BY INSTRUMENT DATED APRIL 24, 2023, RECORDED UNDER DOCUMENT NO. 2023033384 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS. [SUBJECT TO - SHOWN ON SURVEY]

Y. AERIAL UTILITY EASEMENT GRANTED TO PEDERNALES ELECTRIC COOPERATIVE, INC., BY INSTRUMENT DATED APRIL 31, 2012, RECORDED UNDER DOCUMENT NO. 2012072700 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS. (TRACT 3) [SUBJECT TO - SHOWN ON SURVEY]

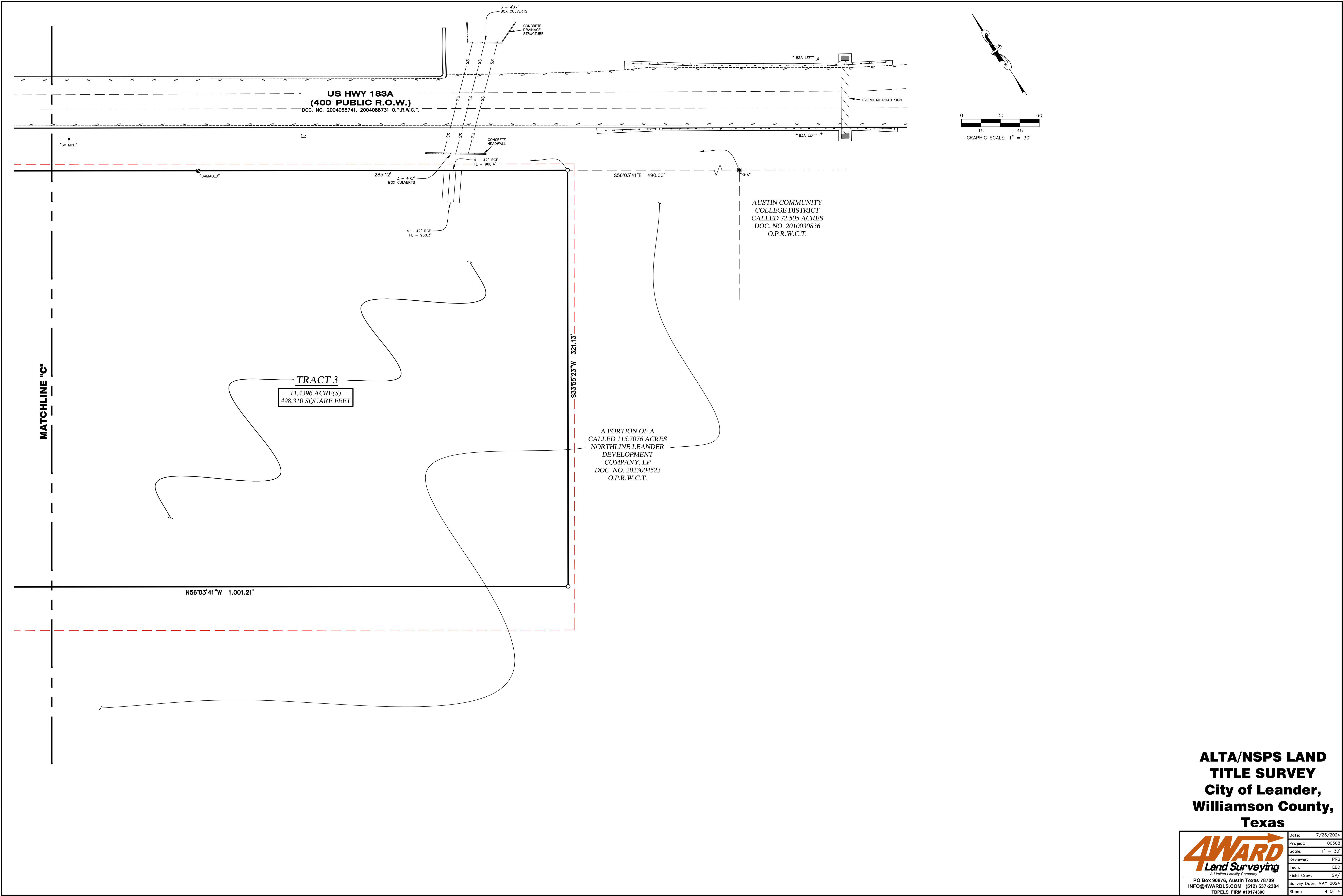
MATCHLINE "C"

2
MATCHLINE "B"

A PORTION OF A CALLED 115.7076 ACRES
NORTHLINE LEANDER
DEVELOPMENT
COMPANY, LP
DOC. NO. 2023004523
O.P.R.W.C.T.



 4WARD Land Surveying A Limited Liability Company PO Box 90876, Austin Texas 78709 INFO@4WARDLS.COM (512) 537-2384 TPBLS FIRM #10174300	Date: 7/23/2024
	Project: 00508
	Scale: 1" = 30'
	Reviewer: PRB
	Tech: EBD
	Field Crew: SV/
Survey Date: MAY 2024 Sheet: 3 Of 4	



**ALTA/NSPS LAND
TITLE SURVEY
City of Leander,
Williamson County,
Texas**

4WARD Land Surveying A Limited Liability Company PO Box 90876, Austin Texas 78709 INFO@4WARDLS.COM (512) 537-2384 TPELS FIRM #10174300	Date:	7/23/2024
	Project:	00508
	Scale:	1" = 30'
	Reviewer:	PRB
	Tech:	EBD
	Field Crew:	SV/
Survey Date: MAY 2024		
Sheet: 4 OF 4		

Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 11.4432 ACRES (498,464 SQUARE FEET) OUT OF THE TALBOT CHAMBERS SURVEY, ABSTRACT NO. 125 AND THE WILLIAM MANSIL SURVEY ABSTRACT NO. 437 IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF A CALLED 47.5871 ACRES TRACT AND THE REMAINDER OF A CALLED 22.781 ACRES TRACT CONVEYED TO NORTHLINE LEANDER DEVELOPMENT COMPANY, LP IN DOCUMENT NO. 2023004523 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS (O.P.R.W.C.T.), SAID 11.4432 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:



PO Box 90876
Austin, TX 78709
512.537.2384
jward@4wardls.com
www.4wardls.com

BEGINNING, at a cotton gin spindle found being the intersection of the southwest right-of-way line of U.S. Highway 183A (400' right-of-way) dedicated in Document No. 2004068741 and Document No. 2004088731 (O.P.R.W.C.T.) and the south right-of-way line of San Gabriel Parkway - County Road 276 (right-of-way varies) dedicated in Document No. 2004068740, Document No. 2006066934 and Document No. 2010082651, and being the northwest corner of said Northline Leander Development Company Tract, and being the north corner and **POINT OF BEGINNING** hereof;

THENCE, leaving the south right-of-way line of said San Gabriel Parkway, along the southwest right-of-way line of U.S. Highway 183A and the northeast line of said Northline Leander Development Company tract **S56°03'41"E**, passing at a distance of 712.11 feet a 1/2-inch iron rod found, passing at a distance of 1,236.84 feet a Texas Department of Transportation (TxDOT) Type II concrete monument found, in all a distance of **1,521.97** feet to a 1/2-inch iron rod with "4Ward-boundary" cap set for the east corner hereof;

THENCE, leaving the southwest right-of-way line of U.S. Highway 183A over and across said Northline Leander Development Company tract the following four (4) courses and distances:

- 1) **S33°55'23"W**, a distance of **321.13** feet to a 1/2-inch iron rod with "4Ward-Boundary" cap set for an angle point hereof,
- 2) **N56°03'41"W**, a distance of **1,000.58** feet to a 1/2-inch iron rod with "4Ward-Boundary" cap set for a point of curvature hereof,
- 3) Along the arc of a curve to the left, whose radius is **75.00** feet, whose arc length is **71.32** feet and whose chord bears **N83°18'07"W**, a distance of **68.66** feet to a 1/2-inch iron rod with "4Ward-Boundary" cap set for a point of tangency hereof,
- 4) **S69°27'26"W**, a distance of **242.79** feet to a 1/2-inch iron rod with "4Ward-Boundary" cap set for an angle point hereof, being in the north right-of-way line of Northline Street (54' right-of-way, dedicated in Document No. 2023041478 (O.P.R.W.C.T.);

THENCE, leaving the north right-of-way line of Northline Street, in part with the east and north lines of Lot 1 and Lot 2, Block D, Northline Block C and Lots 1 & 2 Block D Final Plat, a subdivision recorded in Document No. 2023041478 (O.P.R.W.C.T.) the following three (3) courses and distances:

- 1) **N15°47'42"E**, passing at a distance of 196.95 feet a 1/2-inch iron rod with "4Ward-Boundary" cap set for the common east corner of said Lot 2 and said Lot 1 of Block D, in all a distance of **247.31** feet to a 1/2-inch iron rod with "4Ward-Boundary" cap set for an angle point hereof,

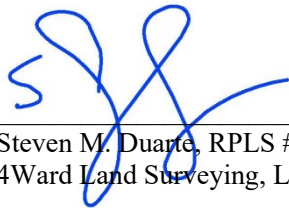
- 2) **N20°32'34"W**, a distance of **244.68** feet to a 1/2-inch iron rod with “4Ward-Boundary” cap set for an angle point hereof,
- 3) **N56°05'19"W**, a distance of **90.63** feet to a 1/2-inch iron rod with “4Ward-Boundary” cap set for an angle point hereof, being in the south right-of-way line of said San Gabriel Parkway - County Road 276, being the northeast corner of said Lot 1, Block D;

THENCE, leaving the north east line of said Lot 1, Block D, with the south right-of-way line of said San Gabriel Parkway - County Road 276 the following two (2) courses and distances:

- 1) Along the arc of a curve to the left, whose radius is **1,113.00** feet, whose arc length is **86.10** feet and whose chord bears **N50°22'40"E**, a distance of **86.08** feet to a 1/2-inch iron rod with “Baker Aiklen” cap set for a tangent point and angle point hereof, and
- 2) **N48°14'14"E**, a distance of **93.39** feet to the **POINT OF BEGINNING** hereof, containing 11.4432 Acres (498,464 Square Feet) more or less.

NOTE:

All bearings are based on the Texas State Plane Coordinate System, Grid North, Central Zone (4203), all distances were adjusted to surface using a combined scale factor of 1.000138805545. See attached sketch (reference drawing: 00508_NORTHLINE BLOCKS C, D, K & H.dwg)



5/28/24

Steven M. Duarte, RPLS #5940
4Ward Land Surveying, LLC



EXHIBIT “ ”

Lot 2, Block D, Northline Block C and Lots 1 & 2 Block D Final Plat

Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 0.3549 ACRES (15,460 SQUARE FEET) OUT OF THE WILLIAM MANSIL SURVEY ABSTRACT NO. 437 IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF LOT 2, BLOCK D, NORTHLINE BLOCK C AND LOTS 1 & 2 BLOCK D FINAL PLAT, A SUBDIVISION RECORDED IN DOCUMENT NO. 2023041478 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS (O.P.R.W.C.T.), SAID LOT 2 CONVEYED TO NORTHLINE LEANDER DEVELOPMENT COMPANY, LP IN DOCUMENT NO. 2023004523 (O.P.R.W.C.T.), SAID 0.3549 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:



PO Box 90876
Austin, TX 78709
512.537.2384
jward@4wardls.com
www.4wardls.com

BEGINNING, at a 1/2-inch iron rod with “4Ward-Boundary” cap set for the intersection of the east right-of-way line of Doctor Miller Street (54’ right-of-way) and the north right-of-way line of Northline Street (54’ right-of-way), being the southwest corner of said Lot 2, and being the southwest corner and **POINT OF BEGINNING** hereof;

THENCE, leaving the north right-of-way line of said Northline Street, with the east right-of-way line of said Doctor Miller Street and the west line of said Lot 2, **N20°32’34”W**, a distance of **117.62** feet to a 1/2-inch iron rod with “4Ward-Boundary” cap set for the northwest corner hereof, being the common west corner of said Lot 2 and Lot 1 of said Northline Block C and Lots 1 & 2 Block D Final Plat;

THENCE, leaving the east right-of-way line of said Doctor Miller Street, with the common line of said Lot 2 and said Lot 1, **N69°22’14”E**, a distance of **162.92** feet to a 1/2-inch iron rod with “4Ward-Boundary” cap set for the northeast corner hereof, being the common east corner of said Lot 2 and said Lot 1;

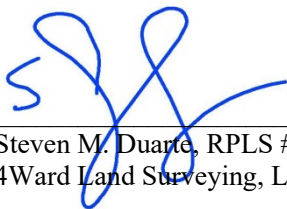
THENCE, leaving the south line of said Lot 1, with the east line of said Lot 2, **S15°47’42”W**, a distance of **190.75** feet to a 1/2-inch iron rod with “4Ward-Boundary” cap set for the southeast corner hereof, from which a 1/2-inch iron rod with “4Ward-Boundary” cap set for the southeast corner of said Lot 2, being the northeast corner of said Northline Street bears, **S15°47’42”W**, a distance of 0.74 feet;

THENCE, leaving the east line of said Lot 2, over and across said Lot 2, **S69°28’35”W**, a distance of **1.24** feet to a 1/2-inch iron rod with “4Ward-Boundary” cap set for an angle point in the south line hereof, being in the south line of said Lot 2 and the north right-of-way line of said Northline Street;

THENCE, with the south line of said Lot 2 and the north right-of-way line of said Northline Street, **N74°12’12”W**, a distance of **60.40** feet to the **POINT OF BEGINNING** hereof, containing 0.3549 Acres (15,460 Square Feet) more or less.

NOTE:

All bearings are based on the Texas State Plane Coordinate System, Grid North, Central Zone (4203), all distances were adjusted to surface using a combined scale factor of 1.000138805545. See attached sketch (reference drawing: 00508_NORTHLINE BLOCKS C, D, K & H.dwg)


Steven M. Duarte, RPLS #5940
4Ward Land Surveying, LLC

7/18/24

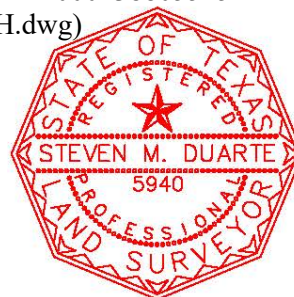


EXHIBIT “ ”

Northline Street (54' Public Right-of-Way)

Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 0.0200 ACRES (870 SQUARE FEET) OUT OF THE WILLIAM MANSIL SURVEY ABSTRACT NO. 437 IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF NORTHLINE STREET (54' PUBLIC RIGHT-OF-WAY), A PUBLIC RIGHT-OF-WAY IN THE CITY OF LEANDER, TEXAS DEDICATED IN DOCUMENT NO. 2023041478 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS (O.P.R.W.C.T.), SAID 0.0200 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:



PO Box 90876
Austin, TX 78709
512.537.2384
jward@4wardls.com
www.4wardls.com

BEGINNING, at a 1/2-inch iron rod with “4Ward-Boundary” cap set for the intersection of the east right-of-way line of Doctor Miller Street (54' right-of-way) and the north right-of-way line of Northline Street (54' right-of-way), being the southwest corner of said Lot 2, and being the southwest corner and **POINT OF BEGINNING** hereof;

THENCE, leaving the east right-of-way line of said Doctor Miller Street, with the north right-of-way line of said Northline Street and the south line of Lot 2, Block D, Northline Block C and Lots 1 & 2, Block D Final Plat, a subdivision recorded in Document No. 2023041478 (O.P.R.W.C.T.), **S74°14'12”E**, a distance of **60.40** feet to a 1/2-inch iron rod with “4Ward-Boundary” cap set for the east corner hereof;

THENCE, leaving the south line of said Lot 2, over and across said Northline Street the following two (2) courses and distances:

- 1) **S69°28'35”W**, a distance of **48.65** feet to a calculated point for the south corner hereof,
- 2) **N20°32'34”W**, a distance of **35.77** feet to the **POINT OF BEGINNING** hereof, containing 0.0200 Acres (870 Square Feet) more or less.

NOTE:

All bearings are based on the Texas State Plane Coordinate System, Grid North, Central Zone (4203), all distances were adjusted to surface using a combined scale factor of 1.000138805545. See attached sketch (reference drawing: 00508_NORTHLINE BLOCKS C, D, K & H.dwg)

A blue ink handwritten signature of Steven M. Duarte, consisting of a stylized 'S' and 'D'.

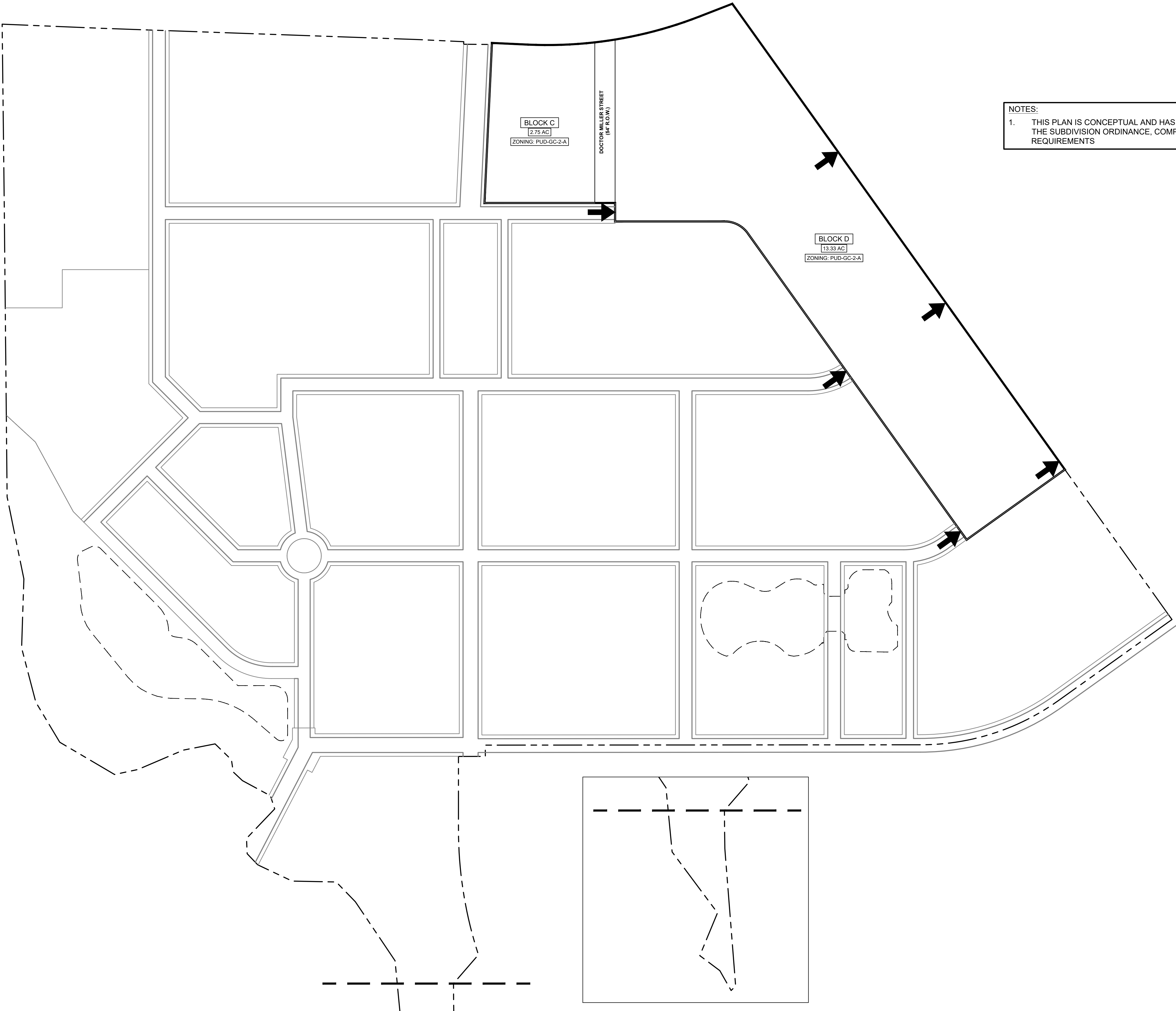
7/23/24

Steven M. Duarte, RPLS #5940
4Ward Land Surveying, LLC



Plotted By: Landry, Justin Date: August 20, 2024 12:24:49pm File Path: K:\AUS_Civil\069298102-Northline Master Subdivision\Conc Plan Sheets -- Concept Plan.dwg

This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



NOTES:

1. THIS PLAN IS CONCEPTUAL AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH THE SUBDIVISION ORDINANCE, COMPOSITE ZONING ORDINANCE, OR TOD ORDINANCE REQUIREMENTS

LEGEND

- EXISTING PROPERTY LINE
- EASEMENT
- PROPOSED THOROUGHFARE (R.O.W.)
- FLOW LINE
- SIDEWALK
- PROPOSED SECONDARY TRAIL
- 100 YEAR FLOODPLAIN PROPOSED (POST FEMA MAP REVISION)
- 100 YEAR FLOODPLAIN EXISTING
- CONTOUR (GRADE) ELEVATION 1'-0" INCREMENT
- PROPOSED INTERSECTION AT EXISTING STREET

*NOTE: FINAL ACREAGE SUBJECT TO CHANGE PENDING COORDINATION WITH APPROVED STREET SECTIONS

ENDEAVOR NORTHLINE RETAIL PHASE 1 CITY OF LEANDER WILLIAMSON COUNTY, TEXAS	EXHIBIT C CONCEPTUAL SITE LAYOUT AND LAND USE PLAN	KHA PROJECT 21-SD-040	DATE AUGUST 2024	SCALE: AS SHOWN	DESIGNED BY: BMW	DRAWN BY: JML	CHECKED BY: BMW
		08/20/2024					
		10814 JOLLYVILLE ROAD AVALON IV SUITE 200 AUSTIN, TX 78759 PHONE: 512-418-7791 FAX: 512-418-7791 WWW.KIMLEY-HORN.COM © 2020 KIMLEY-HORN AND ASSOCIATES, INC. TBPE Firm No. 928					
		REVISIONS					
		No.					
		DATE					
		BY					

Date: August 14, 2024

To: Robin Griffin, City of Leander Executive Director of Development Services

From: Endeavor Real Estate Group

Subject: Northline Retail PUD Letter of Intent

Dear Ms. Griffin:

Endeavor Real Estate Group is seeking a rezone of approximately 16.08 acres of the existing Northline PUD to a PUD with a base zoning district selected from the Leander Composite Zoning Ordinance of GC-2-A per Staff's recommendation. This rezone will facilitate a market viable large-scale retail development along San Gabriel Parkway and 183A adjacent to the Northline PUD.

The Northline Retail PUD area is intended to provide retail and commercial services to the surrounding area, creating valuable amenities for Leander in the near term. The proposed modifications from the GC-2-A base zoning district will help enable development of a viable and financially feasible project.

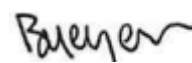
The following items are proposed modifications from the GC-2-A base zoning district:

- Streets and roadways within the PUD shall be private.
- Perimeter length restrictions shall be met through private drives.
- Specific uses are prohibited per Staff's recommendation.
- Setbacks along Main Street, Doctor Miller Street, U.S. Hwy 183A and San Gabriel Parkway are amended.
- Landscape requirements installed between front property lines and the buildings have been reduced rather than be non-applicable and landscape requirements within Block C have been amended.
- Parking lots between right-of-way and buildings along a corridor shall not be required to be fully screened and shall abide by other landscape requirements.
- Parking to be required at a rate of no less than 1:250 square feet across the PUD area.
- Two pylon signs may be installed along 183A.
- Maximum square footage of sign display area for multi-tenant pylon signs along a toll road may be up to 500'.
- Maximum square footage of sign display area for monument signs along an arterial road for developments 5 acres and greater may be 350'.

We look forward to further coordination and to working with you on the approval of this proposed Northline Retail PUD. Thank you in advance for your time in reviewing and for our ongoing coordination.

Best,


Charles Northington
Managing Principal
Endeavor Real Estate Group


Buck Cody
Managing Principal
Endeavor Real Estate Group



EXECUTIVE SUMMARY
9/12/2024

AGENDA SUBJECT:

Conduct a Public Hearing regarding Ordinance Case OR-24-0017 to amend the Subdivision Ordinance to adopt updates to the Parkland Dedication, Park Improvement, and Parkland Fee-in-Lieu regulations and requirements, and to provide for related matters; Williamson & Travis Counties, Texas. Applicant: City of Leander.

- Discuss and consider action regarding Ordinance Case OR-24-0017 as described above.

BACKGROUND:

This request is the first step in the ordinance process. The Parkland Dedication Ordinance was last revised on October 20, 2011. Since that time, the City of Leander has seen significant growth as well as a substantial increase in land values and in park amenities construction costs. The purpose of this amendment is to adjust the requirements to create an ordinance that addresses current land values and provides documentation for the calculation of the fee in lieu of land dedication and to take into consideration an adjustment for park improvement fees.

This amendment was presented to the Commission and Council earlier this year. During the preparation of the amendment, the HBA provided additional feedback regarding the fee calculation. The case was withdrawn in April in order to allow staff more time to work with the HBA on an adjustment to the calculation. The changes that were made since the last meeting are highlighted in yellow. The major updates includes changes to the fee calculation for parkland dedication. The update includes calculating the fee in lieu based on a three-year average calculation of the land values by county including a formula that considers population, residents per unit, developed park acres, and total appraised value of single-family units.

HISTORY/TIMELINE:

10/20/2011 – Ordinance Update to Increase Fees
04/06/2023 – Home Builders Association (HBA) Meeting
06/13/2023 – Parks and Recreation Board Meeting
07/20/2023 – City Council Workshop
09/01/2023 – City Council Sub-Committee Meeting
12/07/2023 – City Council Workshop
12/12/2023 – Parks and Recreation Board Meeting
01/11/2024 – City Council Sub-Committee Meeting
02/08/2024 – Home Builders Association (HBA) Meeting
02/13/2024 – Parks and Recreation Board Meeting
03/14/2024 – Planning & Zoning Commission Workshop
03/28/2024 – Planning & Zoning Commission, 1st Public Hearing
04/04/2024 – City Council, 2nd Public Hearing, Withdrawn by applicant
08/19/2024 – City Council Sub-Committee Meeting

APPLICANT/AGENT:

City of Leander

RECOMMENDATION:

Staff recommends approval of the ordinance amendments.

PRESENTER:

Mark Tummons, Parks & Recreation Director

Attachments:

1. OR-23-0017 Att 1 Redline Ordinance
2. OR-23-0017 Att 2 Clean Ordinance
3. OR-23-0017 Att 3 Parks Zones Map - 4 Districts

ARTICLE I, SECTION 1 - DEFINITIONS

Detention Ponds means a type of infrastructure designed to manage and control stormwater runoff.

Drainage Ditch means a manmade water conveyance channel for the purpose of draining water away from lands.

Greenway means a recreational experience within a corridor of land recognized for its ability to connect people and places together. These ribbons of open space are located within linear corridors that are either natural, such as rivers and streams or manmade, such as abandoned railbeds or utility corridors.

Park Improvements means Recreational facilities and buildings for public use that are enjoyable, safe and accessible offering an essential quality of life. Generally, are those that have been planned, designed, constructed and maintained by experts and professionals. Fair Market Value - is an assessment of the price an asset could sell for based on several conditions. Essentially it should represent an accurate evaluation or assessment of its worth in contrast to its purchased or current price.

Parkland means land consisting of trees and open space that is suitable for and/or designated as a park for public use and may contain recreation amenities.

Parkland Dedication means a local government requirement imposed on subdivision and site plan applications mandating the dedication of land for a park and/or the payment of a fee to be used by the governmental entity to acquire land and/or develop park facilities.

Parkland Fee-in-lieu means a formula that the local government develops to assess a fee if a developer is unwilling or not able to provide sufficient acreage and types of parkland for public benefit.

Private Parks means privately owned outdoor recreational premises, available for use by specific residents of a community. Typically, the private park is owned and maintained by a Homeowners Association (HOA) or a similar private management group.

Public Park means an area of land typically owned, designated and maintained by governmental authority for the recreational enjoyment of all residents. Parks may or may not have recreational facilities to be so designated.

Trails means a recreational experience marked by a corridor, path, route or travel way established through physical construction or repeated use and is passable by at least one or

more of the following, but not limited to: foot traffic, bicycles, wheelchairs, skating, skiing, motorized off-road vehicular activities and even aquatic or water activities. Trail surface or foundation can come in a variety of mediums from natural surface to hard paved surface.

Utility Easement means a legal agreement between a property owner and utility company that gives the utility company the right to use a designated parcel of land to access for the purpose of installing and maintaining utilities on private property for the good of the community.

ARTICLE IV, SECTION 61

SECTION 61. ~~PARK LAND~~**PARKLAND** DEDICATION AND PARK IMPROVEMENTS ~~_.~~

Park-Land Dedication and Park Improvements Required: The park fee-in-lieu and park development fee is determined to be in the best interest of the residents of the city by advancing public health, safety and welfare in a fair, reasonable and uniform method of financing that does not impose an unfair burden on new or existing developments. The requirements constitute the impact of new dwelling units (DUs) on the park and recreation system and ensure that they bear their proportionate share of the cost of providing parks and recreation related facilities to meet the needs created by respective development.

As such, the parkland fees are additional and supplemental to, and not in substitution of, **on-site open space requirements required by the** City's Code of Ordinances, specific plans, or any other planning document. The dedication requirement is restricted to the acquisition and improvement of parks and facilities and cannot be used for maintaining or operations of the park system.
Therefore, ~~A~~**Park Land Dedication and Park Improvements Required:** A developer of any subdivision subject to this ordinance or a site development permit subject to the Composite Zoning Ordinance which includes residential lots, building sites, or ~~multi-family~~**multifamily** residential site development within the City limits ~~or the City's extra-territorial~~**extraterritorial** jurisdiction, that adds any residential units to any subdivision or ~~multi-family~~**multifamily** residential site development, shall prepare a park plan to provide for sufficient and suitable ~~park land~~**parkland** and park improvements for the purpose of public recreation in accordance with the following provisions:

~~(a)~~ **(a) Park Plan Approval Process:** A residential developer shall prepare a park plan in conformance with the requirements of this Section and obtain approvals from the ~~Appropriate Reviewing Authorities~~**City** as follows:

~~(1)~~ **(1)** If the developer does not propose ~~multi family~~**multifamily** development, and the developer is required to submit a subdivision application other than a Short Form Plat as required by this Ordinance, the developer is required to obtain approval of a park plan in compliance with this Section by the City Council in conjunction with consideration of the

~~Concept Plan application.~~ A Developer is required to submit a subdivision application as required by this Ordinance, if the development is not proposing multi-family or use of a Short Form Plat is not needed. The developer is required to obtain approval of a park plan in compliance with this Section by the City Council in conjunction with consideration of the Concept Plan application.

(2) ~~(2)~~—If the developer does not propose ~~multi-family~~ multifamily development, and the developer is required to submit a subdivision as required by this Ordinance that is permitted to be filed as a Short Form Plat application, the developer is required to obtain approval of a park plan in compliance with this Section by the Planning and Zoning Commission in conjunction with consideration of the Short Form Plat application. However, approval of any public ~~park land~~ parkland dedication other than land identified on the ~~City Parks, Recreation & Open Space Master Plan~~ Leander Parks, Public Spaces, and Recreation Comprehensive Plan is required to be approved by the City Council.

(3) ~~(3)~~—If the developer proposes ~~multi-family~~ multifamily development, the developer is required to obtain approval of a park plan in compliance with this Section by the Director of Parks and Recreation in conjunction with consideration of a Site Development Permit application. However, approval of any public ~~park land~~ parkland dedication other than land identified on the ~~City Parks, Recreation & Open Space Master Plan~~ Leander Parks, Public Spaces, and Recreation Comprehensive Plan is required to be approved by the City Council.

~~(b) (b) Public Park Land Dedication or~~ Payment of Fee In-Lieu Required and/or Public Parkland Dedication-

(1) ~~(1)~~—Formula for Calculating Area of ~~Park Land~~ Parkland: The acreage of ~~park land~~ parkland to be contributed by a developer prior to Final Plat or Short Form Plat approval of any single-family or two-family residential subdivision, or prior to site development permit approval for ~~multi-family~~ multifamily residential development, shall be equal to ~~three and one half (3.50)~~ seven and one half (7.5) acres for each additional one hundred (100) dwelling units projected to occupy the fully developed subdivision or development. A “dwelling unit” when used in this section, shall mean each individual residence, including each individual residential unit in a ~~multi-family~~ multifamily residential structure or manufactured home park, designed or intended for habitation by a single family.

~~Payment of Fee In-Lieu of Park Land~~ Parkland Dedication: In general, the Appropriate Reviewing Authorities shall favor the payment of a fee in-lieu of parkland dedication ~~dedication of park land over the payment of a fee in lieu of park land dedication~~ over the dedication of parkland for single family and two family subdivisions ~~except for including~~ Short Form Plats and multi-family development unless such Plat or multi-family development contains land identified as ~~park land~~ parkland in the ~~City Parks, Recreation & Open Space Master Plan~~ Leander Parks, Public Spaces, and Recreation Comprehensive

Plan. However, the Appropriate Reviewing Authority may require a developer to pay a fee in lieu of park land dedication in accordance with the following:

If the amount of park land required to be dedicated is less than three (3) acres, the Appropriate Reviewing Authority may require a fee in lieu of land dedication.

Such fee shall be in the amount of \$1,050 per dwelling unit.

- (2) The developer shall pay the in lieu fee to the City prior to approval of the Final Plat, Short Form Plat, or, in the case of multi family development, prior to site development permit approval. The Fee In-lieu will be determined based on the following:

Developer to obtain a Texas Appraiser Licensing & Certification Board (TALCB) approved Certified General Appraiser in good standing with the National Registries list of certified and licensed appraisers to appraise the property.

Calculation:

$$\begin{aligned} & \text{Per acre market value of land /} \\ & \text{current City level of service (DU's/acre)} \\ & \times \text{the number of DU's in the development} = \text{fee in lieu} \end{aligned}$$

The amount of such payment shall be based upon the market value of the property within the subdivision in its entirety as fully developed, with all attendant infrastructure, in accordance with land uses approved for the subdivision. Land price reflects the fair market value at the time it is platted, not when it was purchased.

- (i) The fair market value of a real, residential, single-family property unit, for the purposes of calculating a fee in lieu of parkland dedication, shall be derived from prior certified tax years by an appraisal district authorized to assign value to tracts of land within the municipal jurisdiction of the proposed property.

- (ii) Calculation: The fee in-lieu shall be a three-year average of the calculation of values which include city population, residents per unit, developed park acres, total single-family residential units, and total appraised value of single-family residential units.

Sample formula for Year One of Three:

P = Population

R = Residents per unit

D = Developed park acres

T = Total single-family residential units

A = Total appraised value of single-family residential units

$$\text{Year One Fee In-Lieu} = (1/((P/R)/D)) * ((T/A) * 0.25)$$

(iii) The developer shall pay the in-lieu fee to the City prior to approval of the Final Plat, Short Form Plat, or, in the case of multi-family development, prior to site development permit approval.

In determining the average fair market per acre value of the total land included in the proposed residential development, the City Council in their judgement may determine because of changed conditions, the appraised value of the land being developed requires further analysis, shall obtain a second appraisal paid for by the city.

(3) Geographic Nexus: Fees must serve the district area in which the development is located. However, fees may be used within an adjacent service area if the project is a neighborhood park and within ½ mile of the service area where the fees were collected; a community park if 1½ miles of the service area where the fees were collected; or a regional park if within 3 miles of the service area where the fees were collected. (see Parkland Dedication Service Districts Map).

(4) (2) Standards for Dedication of ~~Park Land~~Parkland: The land dedicated by a developer to meet the requirements of this section shall be suitable for public parks and recreation activities and shall comply with ~~the City Parks, Recreation & Open Space Master Plan~~ Leander Parks, Public Spaces, and Recreation Comprehensive Plan, and shall comply with the following standards:

(i) (i) The dedicated land shall form a single parcel or tract of land ~~least three (3) acres in size with acreage based upon the number of dwelling units proposed (7.5 acres/per 100 DU's)~~ unless the City Appropriate Reviewing Authorities determines that more than one (1) tract or a smaller tract would be in the best public interest.

(ii) (ii) The developer shall provide public access to ~~park land~~parkland by providing at least ~~fifty percent (50%)~~ twenty-five percent (25%) of the perimeter boundary of the park with street frontage, or as determined to be satisfactory by the City Appropriate Reviewing Authorities. At the time the land abutting the delineated areas is developed, the developer of such abutting land shall dedicate and construct streets along all abutting street frontage and shall provide water and wastewater utilities to the boundary of one (1) side of the delineated area to meet minimum requirements of this Ordinance.

(iii) (iii) The developer shall dedicate ~~park land~~parkland ~~reasonably located near the geographic center of the development,~~ reasonably located within convenient distance from the majority of the residents to be served or within an area identified on the ~~City Parks, Recreation & Open Space Master Plan~~ Leander Parks, Public Spaces, and Recreation Comprehensive Plan, and adaptable for use as a public park and recreation facility. However, the City Appropriate Reviewing Authorities may

require ~~park-land~~parkland to be located at the edge of a development so that additional land may be added at such time as adjacent land is developed or acquired for public use in accordance with this ordinance. In addition, rare, unique, endangered, historic or other significant natural areas shall be given high priority for dedication pursuant to this ordinance. The City Appropriate Reviewing Authorities may also require areas providing linkage to parks, schools or public places, or areas that preserve the natural character of the surrounding environment, be included in the ~~park-land~~parkland dedication.

(iv) ~~The site shall not be encumbered by overhead utility lines or easements; no more than two (2) sides of the park may be adjacent to sides or rear of homes; must have a visible and attractive means of ingress and egress; and sites with existing trees, especially Heritage Trees, or significant scenic elements will be provided preference.~~

(v) ~~(iv)~~—The developer shall restore and stabilize any disturbed soil and establish vegetative cover of a type determined appropriate for the terrain and by the Director of Parks and Recreation on ~~park-land~~parkland.

(vi) ~~(v)~~—Land dedication of trail corridors identified on the ~~City Parks, Recreation & Open Space Master Plan—Leander Parks, Public Spaces, and Recreation Comprehensive Plan~~ shall be a high priority. Developers are responsible for preserving the natural character of the trail corridor and dedicating the required right-of-way. Right-of-way dedication or easement size may vary due to site physical characteristics.

(vii) If the land identified ~~on~~ in the ~~City Parks, Recreation & Open Space Master Plan—Leander Parks, Public Spaces, and Recreation Comprehensive Plan~~ exceeds the amount of land required for ~~park-land~~parkland dedication by this section, the remainder of the land not required for dedication can be donated to the City for future parks/trail and/or public space connections, with the City providing minimal maintenance until the park is developed ~~shall~~ may be shown as a reserve park lot/corridor that they may develop in the future ~~or may be to be~~ purchased by the City in fee simple by fair market value or through an easement at a time when funds become available, or, the City Appropriate Reviewing Authorities may credit the required park improvements fee in an amount equal to the fee in-lieu value ~~(see paragraph 3 below)~~ of the remaining land if such land is dedicated and deeded to the City.

(viii) ~~(vi)~~—Land within the one hundred (100) year floodplain and land that has greater than 15% slope may constitute, in total, not more than ~~fifty percent (50%)~~ thirty-three percent (33%) of the land dedication requirement. Floodplains and slopes will be calculated on 3:1 basis (3 acres of floodplain/slopes equals to 1 acre of parkland

credit). Lands within an inundation easement falling outside of the one hundred (100) year floodplain may constitute up to one hundred percent (100%) of the land dedication requirement if such land remains undisturbed and in a pre-development condition, and if such land is not utilized for another public purpose. In addition, for every acre of land dedicated for ~~park land~~parkland within the one hundred (100) year floodplain, or having a slope greater than 15%, ~~one-half (1/2)~~one-third (1/3) acre of ~~park land~~parkland dedication credit shall be given. [Example: If ten (10) acres of ~~park land~~parkland is required to be dedicated for ~~park land~~parkland, at least ~~five acres~~six and one half (6.5) acres of such ~~park land~~parkland must be outside the 100-year floodplain and comprised of slopes less than 15%. For the remaining ~~five~~five three and one half (3.5) acres of ~~park land~~parkland required, the developer can achieve compliance by dedicating five additional acres outside the 100-year floodplain and comprised of slopes less than 15%, or ten additional acres inside the 100-year floodplain and/or comprised of slopes more than 15%, or some combination thereof.]

(ix) ~~(vii)~~—The developer shall dedicate all ~~park land~~parkland as a park lot on the applicable Final Plat or Short Form Plat. The developer shall deliver to the City a signed warranty deed transferring title to property dedicated as public ~~park land~~parkland to the City after City acceptance of park improvements and release of fiscal surety. If the developer fails to deliver the warranty deed in a timely manner, the City may withhold Final Plat approvals and/or the issuance of building permits. The developer shall provide ~~park land~~parkland free and clear of all mortgages and liens at the time of such dedication or conveyance. The developer shall have iron rods or pins set in accordance with the Final Plat or Short Form Plat. If a subdivision ~~Plat~~plat is not required based on the standards of this Ordinance, the developer shall have iron rods or pins set at corners identified on a recordable land survey completed by a land surveyor registered in the State of Texas.

(x) The ~~Appropriate Reviewing Authorities~~ City may accept parkland from a developer that is not part of an addition or subdivision in order to meet the parkland requirement. A deed shall be required.

(xi) Drainage ditches, detention ponds, power line easements, and similar sites shall not be accepted for parkland dedication, unless 75% or more of the active and usable area is designed for recreational use and the Department finds, after consultation with the city manager or his/her authorized designee, that the land has exceptional recreational value that warrants its acceptance as parkland or open space.

~~(1) (3) Payment of Fee In Lieu of Park Land Dedication: In general, the Appropriate Reviewing Authorities shall favor the dedication of park land over the payment of a fee in lieu of park land dedication for single-family and two-family subdivisions except for Short Form Plats and multi-family development unless such Plat, plat or multi-family development contains land identified as park land in the City Parks, Recreation & Open Space Master Plan. However, the Appropriate Reviewing Authority may require a developer to pay a fee in lieu of park land dedication in accordance with the following:~~

~~(i) (i) If the amount of park land required to be dedicated is less than three (3) acres, the Appropriate Reviewing Authority may require a fee in lieu of land dedication.~~

~~(i) (ii) Such fee shall be in the amount of \$1,050.00 per dwelling unit.~~

~~(i) (iii) The developer shall pay the in lieu fee to the City prior to approval of the Final Plat, Short Form Plat, or, in the case of multi-family, multifamily development, prior to site development permit approval.~~

(c) (c) Park Improvements.

(1) (1) In addition to the required dedication of land or fees in lieu of land dedication fees in lieu of or dedication of land as set forth above, the developer shall also pay a park improvements fee to the City prior to approval of a Final Plat or Short Form Plat, or, in the case of multi-family development, prior to site development permit approval. Construction cost per acre should be empirically derived by reviewing recent bid packages of the development of new parks and the number of acres in those parks to derive a development cost per acre. The per dwelling development fee is ascertained by dividing the construction cost per acre by the existing level of service dwelling units number times the number of dwelling units in the development.

Such park improvements fee shall be sufficient to provide up to fifty percent (50%) for the development of amenities and improvements on the dedicated land to meet the standards for a neighborhood park to serve the area in which the subdivision is located. The remaining 50% will park improvements fee shall be placed in calculated on the parkland dedication fund to develop public parks. basis of \$400.00 per dwelling unit.

(2) The formula for calculating the Park Improvement fee is as follows:

Recent Park Cost: \$8,200,000 divided by 100 acres = \$82,000/acre

\$82,000 divided by 58 DU'/acre = \$1400.00 per DU in park improvements.

(3) The park improvements fee shall be calculated on the basis of \$400-\$1350 \$1400 per dwelling unit.

(4) (2) In lieu of payment of the park improvements fee, the City Appropriate Reviewing Authorities may approve a plan from the developer to construct public park

improvements. Up to 100% credit for publicly accessible parks may be provided if park improvements meet city needs and all criteria of this ordinance. park improvements. If the park or any portion of the park is within areas shown in the ~~City Parks, Recreation & Open Space Master Plan~~ Leander Parks, Public Spaces, and Recreation Comprehensive Plan as land to meet strategic needs for future parks and/or trails, the developer may be required to construct trails or other park amenities in lieu of payment of the park improvements fee. This plan shall meet the following standards:

- (i) (i)—All plans and specifications for the construction of such amenities and improvements shall be reviewed and approved by the City, and the developer shall meet *City Park & Facility Equipment Standards*.
- (ii) (ii)—Amenities and improvements ~~shall~~ may include one (1) or more children's play areas, picnic areas, game court areas, turf play fields, splash parks and/or swimming pools, recreational /fitness buildings, trails (sidewalks, walkways or bike trails), and landscaped sitting areas, to include community flower or garden spaces.
- (iii) (iii)—The value of amenities and improvements shall be greater than or equal to ~~\$400~~ \$1350.00 per residential dwelling unit.
- (iv) (iv)—All park areas and playground equipment shall be in accordance with the U.S. Consumer Products Safety Commission - Publication 325, as currently amended and in accordance with current provisions of the Americans with Disabilities Act; ASTM F1487-21 Playground Equipment Standard; ASTM F2373-11(R2017) Performance Specifications; ASTM F2075-20 Specification for Engineered Wood Fiber for use; ASTM F2479-17 Specification, Purchase, Installation of Poured in Place Playground Surfacing; and ASTM F3012-22 Specification for Loose-Fill Rubber Playground Safety Surface; and ASTM F2049-11 (2017) Specification for Fences/Barriers.
- (v) (v)—These park improvements shall be completed to the satisfaction of the City Parks and Recreation Director prior to release of fiscal surety or, in the case of a ~~multi-family~~ multifamily development, prior to issuance of a certificate of completion or a certificate of occupancy for the project.
- (vi) (vi)—These park improvements shall be designed, reviewed and permitted in conjunction with a Site Development Permit application and/or subdivision Construction Plans ~~construction plans~~ as deemed appropriate by the City Parks and Recreation Director.

(d) (d) **Privately Owned & Maintained Parks:** The City Appropriate Reviewing Authorities may approve a plan from the developer to provide privately owned and maintained ~~park~~ land ~~parkland~~ and park improvements meeting all requirements of this section not to exceed fifty percent (50%) of the fee in-lieu of public ~~park land~~ parkland dedication and public park

improvements. The remaining fifty percent (50%) will be placed in the parkland dedication fund to develop public parks. However the City Appropriate Reviewing Authorities shall not approve a plan for privately owned ~~park land~~parkland and park improvements if such land is shown in the ~~City Parks, Recreation & Open Space Master Plan~~ Leander Parks, Public Spaces, and Recreation Comprehensive Plan as land to meet strategic needs for future parks and/or trails. In addition, such plan shall meet the following:

(1) ~~(1)~~ Private ownership and perpetual maintenance of such areas and facilities shall be adequately provided for by recorded written agreement, conveyance, and/or restrictions.

(2) ~~(2)~~ The use of such areas and facilities shall be restricted to park and recreational purposes by a recorded covenant, which runs with the land in favor of the future owners of property, and which cannot be defeated or eliminated without the consent of the Council.

(3) The single parcel or tract of land for a private park is limited to no more than 50% of the 7.5 acres required per 100 dwelling units. For example, 100 dwelling units are being constructed, the parkland requirement is 7.5 acres, of which only 50% or 3.75 acres will be credited to a physical park within the development. The remaining 3.75 acres will be assessed a Fee In-lieu based upon the formula shown below.

The fee in lieu formula is:

$$\frac{\text{Per acre market value of land /}}{\text{current City level of service (DU's/acre)}} \times \text{the number of DU's in the development} = \text{fee in lieu}$$

Divided by 50%

(4) The ~~Appropriate Reviewing Authorities~~City may allow a portion of the fee in-lieu to be used for trail development if such land is dedicated and deeded to the City.

(e) ~~(e)~~ **Alternative ~~Park Land~~Parkland Dedication and Park Improvements Plan:** The City Appropriate Reviewing Authorities may consider and approve a plan from the developer for an alternative ~~park land~~parkland dedication and park improvements plan meeting the following standards.

(1) ~~(1)~~ If all other standards of this section are met, the amount of ~~park land~~parkland to be dedicated may, if approved by the City Appropriate Reviewing Authorities, be reduced, if the reduced value of the land dedication is compensated by an equal or larger increase in the value of park improvements. However, in no case shall the amount of ~~park land~~parkland dedicated, whether ~~private or~~ public or private, be less than seventy-five percent (75%) of the amount required by this section. The calculation to convert ~~park land~~parkland value to additional park improvements shall be determined based on how

much fee in-lieu would be required to compensate for the ~~park land~~parkland deficiency and by adding this dollar amount to the required dollar value of park improvements.

~~Example: If twenty twenty five (15)20 acres is required to be dedicated as park landparkland, and the applicant proposes 16.511.25 (max 25%) acres there would be a park landparkland deficiency of 3.5 3.75 acres. 3.5 3.75 acres is equivalent to 100 residential units worth of park landparkland dedication and the fee in lieu of park landparkland dedication is equivalent to \$1,050.00 per unit \$1,050 per unit\$1,570 per dwelling unit. Therefore, the amount of park improvements could be increased by \$105,000 \$157,000.00 (100 units times \$1,050 \$1,570). .00).~~

- (2) ~~(2)~~ If all other standards of this section are met, the amount of park improvements may, if approved by the ~~Appropriate Reviewing Authorities~~City, be reduced, if the reduced value of such improvements is compensated by an equal or greater increase in the value of ~~park land~~parkland to be dedicated. The calculation to convert park improvements value to additional ~~park land~~parkland shall be determined based on reducing the required park improvements dollar value by not more than the fee in-lieu dollar value of the additional ~~park land~~parkland to be dedicated.

~~Example: If \$500,000.00 worth of park improvements is required, and the applicant proposes \$395,000.00 worth of improvements, this would amount to a \$105,000.00 deficiency in park landparkland improvements. Dividing this number by the fee in lieu value of park landparkland required per unit (\$1,050) \$1,570.00 yields 10067 units (\$105,000.00/\$1,050.00 = 100)(\$105,000/(\$1570).). The park landparkland requirement for 100 67 units is 3.5 1.05 acres. Therefore, and an additional 3.5 1.05 acres of land could be dedicated in lieu of \$105,000.00 of improvements.~~

- (3) For subdivisions located outside the city limits, up to one hundred percent (100%) credit may, at the discretions of the City, be given if the subdivider enters into a written agreement with the city stating that all private parkland shall be dedicated to the City as the time of full purpose annexation of said subdivision by the City.

- (f) ~~(f)~~ **Park Fund Established:** The City hereby creates a separate fund to be entitled "Parkland Dedication Fund." Money, and the interest on such money, collected as a fee in-lieu of ~~park land dedication, and~~ park improvements fees and parkland dedication, shall be held in said fund in trust to be used by the City solely and exclusively for the purpose of purchasing, improving, and/or renovating public park and recreational land and shall not be used for maintaining or operating public park facilities.

1. Improvements to public park and recreational ~~lands~~land includes public art installations. The Park Fund will contain a category entitled "Park Public Art Fund" where fifteen percent (15%) of fee-in-lieu and park improvements fees, and interest on such money, will be held to be used for public art in public parks and recreational land; provided that the City Council may, from time to time,

authorize use of the funds for purchasing ~~parkland~~~~parkland~~~~parkland~~ or non-public art improvements or renovations when determined necessary in relation to a particular public park project. Such fund shall be invested or held in an interest-bearing account and all earnings and interest shall accrue to the Park Fund.

(g) ~~(g)~~ **Subdivision Changes:** In the event a developer obtains Commission approval to deviate from the approved Preliminary Plat thereby increasing the number of dwelling units projected, or where the use of property is changed from a ~~non-residential~~~~nonresidential~~ use to a residential use, the owner or developer shall be obligated to provide additional land or fees for the ~~park-land~~~~parkland~~ and amenities required for the additional dwellings in accordance with this section prior to the City approving the Final Plat for recordation.

(h) ~~(h)~~ **Phasing Plan:** If a developer proposes a multi-phased residential subdivision or other residential development, the developer shall submit a proposed park phasing plan to indicate a plan for phasing ~~park-land~~~~parkland~~ dedication and/or park improvements to coincide with the development phasing. This park phasing plan shall be approved in conjunction with the park plan as provided by this section. A park phasing plan shall include provisions for compliance with the standards of this section for all phases of the development. A phasing plan may propose ~~park-land~~~~parkland~~, park improvements and/or fee in-lieu in an early phase of development to fulfill requirements of a later phase of development, but in no case shall a phasing plan propose ~~park-land~~~~parkland~~, park improvements and/or fee in-lieu in a later phase of development to fulfill requirements of an earlier phase of development unless the developer provides adequate fiscal surety with the earlier phase of development. Such fiscal surety shall be in a form that shall not expire unless specifically released by the City.

(i) ~~(i)~~ **Fiscal Surety:** Except for ~~multi-family~~~~multifamily~~ development, prior to Final Plat or Short Form Plat approval, the developer shall provide fiscal surety for the completion of all park improvements that complies with this subsection and ~~Sec. Section~~ 28 of this Ordinance (to the extent ~~Sec. Section~~ 28 does not conflict with this subsection), and the fiscal ~~surety~~ shall be in a form acceptable to the Director of Parks and Recreation, the Executive Director of Development Services and the City Attorney. Unless otherwise approved, such fiscal shall be in the form of a letter of credit from a major lending institution, or cash held in escrow. Such fiscal surety shall be held by the City until either the City has accepted all public park improvements and title to the public ~~park-land~~~~parkland~~, or the City has approved on final inspection all private park improvements. Such fiscal surety shall be in a form that shall not expire unless specifically released by the City.

(j) Time Limit for Expenditure of Dedication Funds: The City must expend the funds within five (5) years from the date received for acquisition or development of neighborhood recreation land, or ten (10) years for a community or regional park.

(k) Frequency of Ordinance Reviews: City Council requires a review of the ordinance every three

(3) years and be updated as necessary. Updates may include, but not limited to the most recent park acquisitions costs; prior three (3) certified tax years by an appraisal district authorized to adding value to tracts of land within the municipal jurisdiction of the proposed property along with park amenity and development costs; etc.

PARKLAND DEDICATION AND PARK IMPROVEMENTS OPTION SUMMARY

(The Appropriate Reviewing Authorities shall determine which option is acceptable.)

OPTION ONE

~~Land Dedication: (3.50 acres per 100 dwelling units) + Park Improvements Fee (\$400 per dwelling unit)~~

OPTION TWO

~~Land Dedication: (3.50 acres per 100 dwelling unit) + Park Improvements (A minimum of \$400 per dwelling unit must be spent on park improvements that meet City specifications)~~

OPTION THREE

~~Fee-in-Lieu of Land Dedication: (\$1,050 per dwelling unit) + Park Improvements Fee (\$400 per dwelling unit)~~

OPTION FOUR

~~Privately Owned & Maintained Parks: Private park land and park improvements meeting the standards of this Section.~~

OPTION FIVE

~~Alternative Park Land Dedication and Park Improvements Plan: A customized plan that may include combinations of all other options.~~

OPTION ONE

No parkland dedication and/or improvements (public or private) by the developer. Fee-in-Lieu of Land Dedication plus Park Improvements Fee to be paid to the city.

OPTION TWO

Parkland dedication with privately owned and maintained parkland. Fee-in-Lieu of Land Dedication plus Park Improvements Fee up to fifty percent (50%) to be used by the developer and the remaining fifty percent (50%) be paid to the city.

OPTION THREE

Parkland Dedication within the development as a public park. Fee-in-Lieu of Land Dedication plus Park Improvements Fee up to one hundred percent (100%) can be credited if park and facilities are open to the general public at large.

OPTION FOUR

Alternate Parkland Dedication and Park Improvements Plan: A customized plan that may include combinations of all other options. However no more than 50% of the total Fee-in-Lieu of Land Dedication plus Park Improvements Fee will go towards private parkland.

Sections 62. through 69. Reserved

ARTICLE I, SECTION 1 - DEFINITIONS

Detention Ponds means a type of infrastructure designed to manage and control stormwater runoff.

Drainage Ditch means a manmade water conveyance channel for the purpose of draining water away from lands.

Greenway means a recreational experience within a corridor of land recognized for its ability to connect people and places together. These ribbons of open space are located within linear corridors that are either natural, such as rivers and streams or manmade, such as abandoned railbeds or utility corridors.

Park Improvements means Recreational facilities and buildings for public use that are enjoyable, safe and accessible offering an essential quality of life. Generally, are those that have been planned, designed, constructed and maintained by experts and professionals. Fair Market Value - is an assessment of the price an asset could sell for based on several conditions. Essentially it should represent an accurate evaluation or assessment of its worth in contrast to its purchased or current price.

Parkland means land consisting of trees and open space that is suitable for and/or designated as a park for public use and may contain recreation amenities.

Parkland Dedication means a local government requirement imposed on subdivision and site plan applications mandating the dedication of land for a park and/or the payment of a fee to be used by the governmental entity to acquire land and/or develop park facilities.

Parkland Fee-in-lieu means a formula that the local government develops to assess a fee if a developer is unwilling or not able to provide sufficient acreage and types of parkland for public benefit.

Private Parks means privately owned outdoor recreational premises, available for use by specific residents of a community. Typically, the private park is owned and maintained by a Homeowners Association (HOA) or a similar private management group.

Public Park means an area of land typically owned, designated and maintained by governmental authority for the recreational enjoyment of all residents. Parks may or may not have recreational facilities to be so designated.

Trails means a recreational experience marked by a corridor, path, route or travel way established through physical construction or repeated use and is passable by at least one or

more of the following, but not limited to: foot traffic, bicycles, wheelchairs, skating, skiing, motorized off-road vehicular activities and even aquatic or water activities. Trail surface or foundation can come in a variety of mediums from natural surface to hard paved surface.

Utility Easement means a legal agreement between a property owner and utility company that gives the utility company the right to use a designated parcel of land to access for the purpose of installing and maintaining utilities on private property for the good of the community.

ARTICLE IV, SECTION 61

SECTION 61. PARKLAND DEDICATION AND PARK IMPROVEMENTS

Parkland Dedication and Park Improvements Required: The park fee-in-lieu and park development fee is determined to be in the best interest of the residents of the city by advancing public health, safety and welfare in a fair, reasonable and uniform method of financing that does not impose an unfair burden on new or existing developments. The requirements constitute the impact of new dwelling units (DUs) on the park and recreation system and ensure that they bear their proportionate share of the cost of providing parks and recreation related facilities to meet the needs created by respective development.

As such, the parkland fees are additional and supplemental to, and not in substitution of the City's Code of Ordinances, specific plans, or any other planning document. The dedication requirement is restricted to the acquisition and improvement of parks and facilities and cannot be used for maintaining or operations of the park system. Therefore, a developer of any subdivision subject to this ordinance or a site development permit subject to the Composite Zoning Ordinance which includes residential lots, building sites, or multi-family residential site development within the City limits or the City's extra-territorial jurisdiction, that adds any residential units to any subdivision or multi-family residential site development, shall prepare a park plan to provide for sufficient and suitable parkland and park improvements for the purpose of public recreation in accordance with the following provisions:

- (a) **Park Plan Approval Process:** A residential developer shall prepare a park plan in conformance with the requirements of this Section and obtain approvals from the City as follows:
- (1) A Developer is required to submit a subdivision application as required by this Ordinance, if the development is not proposing multi-family or use of a Short Form Plat is not needed. The developer is required to obtain approval of a park plan in compliance with this Section by the City Council in conjunction with consideration of the Concept Plan application.
 - (2) If the developer does not propose multi-family development, and the developer is required to submit a subdivision as required by this Ordinance that is permitted to be filed as a Short Form Plat application, the developer is required to obtain approval of a park

plan in compliance with this Section by the Planning and Zoning Commission in conjunction with consideration of the Short Form Plat application. However, approval of any public parkland dedication other than land identified on the *Leander Parks, Public Spaces, and Recreation Comprehensive Plan* is required to be approved by the City Council.

- (3) If the developer proposes multi-family development, the developer is required to obtain approval of a park plan in compliance with this Section by the Director of Parks and Recreation in conjunction with consideration of a Site Development Permit application. However, approval of any public parkland dedication other than land identified on the *Leander Parks, Public Spaces, and Recreation Comprehensive Plan* is required to be approved by the City Council.

(b) Payment of Fee In-Lieu Required and/or Public Parkland Dedication

- (1) Formula for Calculating Area of Parkland: The acreage of parkland to be contributed by a developer prior to Final Plat or Short Form Plat approval of any single family or two-family residential subdivision, or prior to site development permit approval for multi-family residential development, shall be equal to seven and one half (7.5) acres for each one hundred (100) dwelling units projected to occupy the fully developed subdivision or development. A “dwelling unit”, when used in this section, shall mean each individual residence, including each individual residential unit in a multi-family residential structure or manufactured home park, designed or intended for habitation by a single family.
- (2) Payment of Fee In-Lieu of Parkland Dedication: In general, the Appropriate Reviewing Authorities shall favor the payment of a fee in-lieu of parkland dedication over the dedication of parkland for single family and two-family subdivisions including Short Form Plats and multi-family development unless such Plat or multi-family development contains land identified as parkland in the *Leander Parks, Public Spaces, and Recreation Comprehensive Plan*. The Fee In-lieu will be determined based on the following:
 - (i) The fair market value of a real, residential, single-family property unit, for the purposes of calculating a fee in lieu of parkland dedication, shall be derived from prior certified tax years by an appraisal district authorized to assign value to tracts of land within the municipal jurisdiction of the proposed property.
 - (ii) Calculation: The fee in-lieu shall be a three-year average of the calculation of values which include city population, residents per unit, developed park acres, total single-family residential units, and total appraised value of single-family residential units.

Sample formula for Year One of Three:

P = Population

R = Residents per unit

D = Developed park acres

T = Total single-family residential units

A = Total appraised value of single-family residential units

Year One Fee In-Lieu = $(1/((P/R)/D)) * ((T/A) * 0.25)$

- (iii) The developer shall pay the in-lieu fee to the City prior to approval of the Final Plat, Short Form Plat, or, in the case of multi-family development, prior to site development permit approval.
- (3) Geographic Nexus: Fees must serve the district area in which the development is located. However, fees may be used within an adjacent service area if the project is a neighborhood park and within ½ mile of the service area where the fees were collected; a community park if 1½ miles of the service area where the fees were collected; or a regional park if within 3 miles of the service area where the fees were collected. (see Parkland Dedication Service Districts Map).
- (4) Standards for Dedication of Parkland: The land dedicated by a developer to meet the requirements of this section shall be suitable for public parks and recreation activities and shall comply with *Leander Parks, Public Spaces, and Recreation Comprehensive Plan* with the following standards:
- (i) The dedicated land shall form a single parcel or tract of land with acreage based upon the number of dwelling units proposed (7.5 acres/per 100 DU's) unless the City determines that more than one (1) tract or smaller tracts would be in the best public interest.
 - (ii) The developer shall provide public access to parkland by providing at least twenty-five percent (25%) of the perimeter boundary of the park with street frontage, or as determined to be satisfactory by the City. At the time the land abutting the delineated areas is developed, the developer of such abutting land shall dedicate and construct streets along all abutting street frontage and shall provide water and wastewater utilities to the boundary of one (1) side of the delineated area to meet minimum requirements of this Ordinance.
 - (iii) The developer shall dedicate parkland located within convenient distance from the majority of the residents to be served or within an area identified on the *Leander Parks, Public Spaces, and Recreation Comprehensive Plan*, and adaptable for use as a public park and recreation facility. However, the City may require parkland to be located at the edge of a development so that additional land may be added at such time as adjacent land is developed or acquired for public use in accordance with this ordinance. In addition, rare, unique, endangered, historic or other significant natural areas shall be given high priority for dedication pursuant to this ordinance. The City may also require areas providing linkage to parks, schools or public places, or areas that preserve the natural character of the surrounding environment, be included in the parkland dedication.

- (iv) The site shall not be encumbered by overhead utility lines or easements; no more than two (2) sides of the park may be adjacent to sides or rear of homes; must have a visible and attractive means of ingress and egress; and sites with existing trees, especially Heritage Trees, or significant scenic elements will be provided preference.
- (v) The developer shall restore and stabilize any disturbed soil and establish vegetative cover of a type determined appropriate for the terrain and by the Director of Parks and Recreation on parkland.
- (vi) Land dedication of trail corridors identified on the *Leander Parks, Public Spaces, and Recreation Comprehensive Plan* shall be a high priority. Developers are responsible for preserving the natural character of the trail corridor and dedicating the required right-of-way. Right-of-way dedication or easement size may vary due to site physical characteristics.
- (vii) If the land identified in the *Leander Parks, Public Spaces, and Recreation Comprehensive Plan* exceeds the amount of land required for parkland dedication by this section, the remainder of the land not required for dedication can be donated to the City for future parks/trail and/or public space connections, with the City providing minimal maintenance until the park is developed ~~shall~~ may be shown as a reserve park lot/corridor that they may develop in the future ~~of~~ or may be purchased by the City in fee simple by fair market value or through an easement at a time when funds become available, or, the City may credit the required park improvements fee in an amount equal to the fee in-lieu value of the remaining land if such land is dedicated and deeded to the City.
- (viii) Land within the one hundred (100) year floodplain and land that has greater than 15% slope may constitute, in total, not more than thirty-three percent (33%) of the land dedication requirement. Floodplains and slopes will be calculated on 3:1 basis (3 acres of floodplain/slopes equals to 1 acre of parkland credit). Lands within an inundation easement falling outside of the one hundred (100) year floodplain may constitute up to one hundred percent (100%) of the land dedication requirement if such land remains undisturbed and in a pre-development condition, and if such land is not utilized for another public purpose. In addition, for every acre of land dedicated for parkland within the one hundred (100) year floodplain, or having a slope greater than 15%, one-third (1/3) acre of parkland dedication credit shall be given. [Example: If ten (10) acres is required to be dedicated for parkland, at least six and one half (6.5) acres of such parkland must be outside the 100 year floodplain and comprised of slopes less than 15%. For the remaining ~~five~~ three and one half (3.5) acres of parkland required, the developer can achieve compliance by dedicating five additional acres outside the 100-year floodplain and comprised of slopes less than 15%, or ten additional acres inside the 100 year floodplain and/or comprised of slopes more than 15%, or some combination thereof.]
- (ix) The developer shall dedicate all parkland as a park lot on the applicable Final Plat or

Short Form Plat. The developer shall deliver to the City a signed warranty deed transferring title to property dedicated as public parkland to the City after City acceptance of park improvements and release of fiscal surety. If the developer fails to deliver the warranty deed in a timely manner, the City may withhold Final Plat approvals and/or the issuance of building permits. The developer shall provide parkland free and clear of all mortgages and liens at the time of such dedication or conveyance. The developer shall have iron rods or pins set in accordance with the Final Plat or Short Form Plat. If a subdivision Plat is not required based on the standards of this Ordinance, the developer shall have iron rods or pins set at corners identified on a recordable land survey completed by a land surveyor registered in the State of Texas.

- (x) The City may accept parkland from a developer that is not part of an addition or subdivision in order to meet the parkland requirement. A deed shall be required.
- (xi) Drainage ditches, detention ponds, power line easements, and similar sites shall not be accepted for parkland dedication, unless 75% or more of the active and usable area is designed for recreational use and the Department finds, after consultation with the city manager or his/her authorized designee, that the land has exceptional recreational value that warrants its acceptance as parkland or open space.

(c) Park Improvements

- (1) In addition to the required fees in-lieu of or dedication of land as set forth above, the developer shall also pay a park improvements fee to the City prior to approval of a Final Plat or Short Form Plat, or, in the case of multi-family development, prior to site development permit approval. Construction cost per acre should be empirically derived by reviewing recent bid packages of the development of new parks and the number of acres in those parks to derive a development cost per acre. The per dwelling development fee is ascertained by dividing the construction cost per acre by the existing level of service dwelling units ~~number~~ times the number of dwelling units in the development.

Such park improvements fee shall be sufficient to provide up to fifty percent (50%) for the development of amenities and improvements on the dedicated land to meet the standards for a neighborhood park to serve the area in which the subdivision is located. The remaining 50% will be placed in the parkland dedication fund to develop public parks.

- (2) The formula for calculating the Park Improvement fee is as follows:

Recent Park Cost: \$8,200,000 divided by 100 acres = \$82,000/acre

\$82,000 divided by 58 DU'/acre = \$1400.00 per DU in park improvements.

- (3) The park improvements fee shall be calculated on the basis of \$1400 per dwelling unit.

- (4) In lieu of payment of the park improvements fee, the City may approve a plan from the developer to construct public park improvements. Up to 100% credit for publicly accessible parks may be provided if park improvements meet city needs and all criteria of this ordinance. If the park or any portion of the park is within areas shown in the *Leander Parks, Public Spaces, and Recreation Comprehensive Plan* as land to meet strategic needs for future parks and/or trails, the developer may be required to construct trails or other park amenities in lieu of payment of the park improvements fee. This plan shall meet the following standards:
- (i) All plans and specifications for the construction of such amenities and improvements shall be reviewed and approved by the City, and the developer shall meet *City Park & Facility Equipment Standards*.
 - (ii) Amenities and improvements may include one (1) or more children's play areas, picnic areas, game court areas, turf play fields, splash parks and/or swimming pools, recreational/fitness buildings, trails (sidewalks, walkways or bike trails), and landscaped sitting areas, to include community flower or garden spaces.
 - (iii) The value of amenities and improvements shall be greater than or equal to \$1350 per residential dwelling unit.
 - (iv) All park areas and playground equipment shall be in accordance with the U.S. Consumer Products Safety Commission - Publication 325, as currently amended and in accordance with current provisions of the Americans with Disabilities Act; ASTM F1487-21 Playground Equipment Standard; ASTM F2373-11(R2017) Performance Specifications; ASTM F2075-20 Specification for Engineered Wood Fiber for use; ASTM F2479-17 Specification, Purchase, Installation of Poured in Place Playground Surfacing; and ASTM F3012-22 Specification for Loose-Fill Rubber Playground Safety Surface; and ASTM F2049-11 (2017) Specification for Fences/Barriers.
 - (v) These park improvements shall be completed to the satisfaction of the City Parks and Recreation Director prior to release of fiscal surety or, in the case of a multi-family development, prior to issuance of a certificate of completion or a certificate of occupancy for the project.
 - (vi) These park improvements shall be designed, reviewed and permitted in conjunction with a Site Development Permit application and/or subdivision Construction Plans as deemed appropriate by the City Parks and Recreation Director.
- (d) **Privately Owned & Maintained Parks:** The City may approve a plan from the developer to provide privately owned and maintained parkland and park improvements meeting all requirements of this section not to exceed fifty percent (50%) of the fee-in-lieu of public parkland dedication and public park improvements. The remaining fifty percent (50%) will be placed in the parkland dedication fund to develop public parks. However the City shall not approve a plan for privately owned parkland and park improvements if such land is shown in

the *Leander Parks, Public Spaces, and Recreation Comprehensive Plan* as land to meet strategic needs for future parks and/or trails. In addition, such plan shall meet the following:

- (1) Private ownership and perpetual maintenance of such areas and facilities shall be adequately provided for by recorded written agreement, conveyance, and/or restrictions.
- (2) The use of such areas and facilities shall be restricted to park and recreational purposes by a recorded covenant, which runs with the land in favor of the future owners of property, and which cannot be defeated or eliminated without the consent of the Council.
- (3) The single parcel or tract of land for a private park is limited to no more than 50% of the 7.5 acres required per 100 dwelling units. For example, 100 dwelling units are being constructed, the parkland requirement is 7.5 acres, of which only 50% or 3.75 acres will be credited to a physical park within the development. The remaining 3.75 acres will be assessed a Fee In-lieu based upon the formula shown below.
- (4) The City may allow a portion of the fee in-lieu to be used for trail development if such land is dedicated and deeded to the City.

(e) **Alternative Parkland Dedication and Park Improvements Plan:** The City may consider and approve a plan from the developer for an alternative parkland dedication and park improvements plan meeting the following standards.

- (1) If all other standards of this section are met, the amount of parkland to be dedicated may, if approved by the City, be reduced, if the reduced value of the land dedication is compensated by an equal or larger increase in the value of park improvements. However, in no case shall the amount of parkland dedicated, whether public or private, be less than seventy five percent (75%) of the amount required by this section. The calculation to convert parkland value to additional park improvements shall be determined based on how much fee in-lieu would be required to compensate for the parkland deficiency and by adding this dollar amount to the required dollar value of park improvements.
- (2) If all other standards of this section are met, the amount of park improvements may, if approved by the City, be reduced, if the reduced value of such improvements is compensated by an equal or greater increase in the value of parkland to be dedicated. The calculation to convert park improvements value to additional parkland shall be determined based on reducing the required park improvements dollar value by not more than the fee in-lieu dollar value of the additional parkland to be dedicated.
- (3) For subdivisions located outside the city limits, up to one hundred percent (100%) credit may=, at the discretions of the City, be given if the subdivider enters into a written agreement with the city stating that all private parkland shall be dedicated to the City as the time of full purpose annexation of said subdivision by the City.

(f) **Park Fund Established:** The City hereby creates a separate fund to be entitled “Parkland Dedication Fund.” Money, and the interest on such money, collected as a fee in-lieu of park

improvements fees and parkland dedication, shall be held in said fund in trust to be used by the City solely and exclusively for the purpose of purchasing, improving, and/or renovating public park and recreational land and shall not be used for maintaining or operating public park facilities.

- (1) Improvements to public park and recreational lands include public art installations. The Park Fund will contain a category entitled “Park Public Art Fund” where fifteen percent (15%) of fee-in-lieu and park improvements fees, and interest on such money, will be held to be used for public art in public parks and recreational land; provided that the City Council may, from time to time, authorize use of the funds for purchasing parkland or non-public art improvements or renovations when determined necessary in relation to a particular public park project. Such fund shall be invested or held in an interest-bearing account and all earnings and interest shall accrue to the Park Fund.
- (g) **Subdivision Changes:** In the event a developer obtains Commission approval to deviate from the approved Preliminary Plat thereby increasing the number of dwelling units projected, or where the use of property is changed from a non-residential use to a residential use, the owner or developer shall be obligated to provide additional land or fees for the parkland and amenities required for the additional dwellings in accordance with this section prior to the City approving the Final Plat for recordation.
- (h) **Phasing Plan:** If a developer proposes a multi-phased residential subdivision or other residential development, the developer shall submit a proposed park phasing plan to indicate a plan for phasing parkland dedication and/or park improvements to coincide with the development phasing. This park phasing plan shall be approved in conjunction with the park plan as provided by this section. A park phasing plan shall include provisions for compliance with the standards of this section for all phases of the development. A phasing plan may propose parkland, park improvements and/or fee in-lieu in an early phase of development to fulfill requirements of a later phase of development, but in no case shall a phasing plan propose parkland, park improvements and/or fee in-lieu in a later phase of development to fulfill requirements of an earlier phase of development unless the developer provides adequate fiscal surety with the earlier phase of development. Such fiscal surety shall be in a form that shall not expire unless specifically released by the City.
- (i) **Fiscal Surety:** Except for multi-family development, prior to Final Plat or Short Form Plat approval, the developer shall provide fiscal surety for the completion of all park improvements that complies with this subsection and Sec. 28 of this Ordinance (to the extent Sec. 28 does not conflict with this subsection), and the fiscal shall be in a form acceptable to the Director of Parks and Recreation, the Executive Director of Development Services and the City Attorney. Unless otherwise approved, such fiscal shall be in the form of a letter of credit from a major lending institution, or cash held in escrow. Such fiscal surety shall be held by the City until either the City has accepted all public park improvements and title to the public parkland, or the City has

approved on final inspection all private park improvements. Such fiscal surety shall be in a form that shall not expire unless specifically released by the City.

- (j) **Time Limit for Expenditure of Dedication Funds:** The City must expend the funds within five (5) years from the date received for acquisition or development of neighborhood recreation land, or ten (10) years for a community or regional park.
- (k) **Frequency of Ordinance Reviews:** City Council requires a review of the ordinance every three (3) years and be updated as necessary. Updates may include, but not limited to the prior three (3) certified tax years by an appraisal district authorized to adding value to tracts of land within the municipal jurisdiction of the proposed property along with park amenity and development costs; etc.

PARKLAND DEDICATION AND PARK IMPROVEMENTS OPTION SUMMARY

(The Appropriate Reviewing Authorities shall determine which option is acceptable.)

OPTION ONE

No parkland dedication and/or improvements (public or private) by the developer. Fee-in-Lieu of Land Dedication plus Park Improvements Fee to be paid to the city.

OPTION TWO

Parkland dedication with privately owned and maintained parkland. Fee-in-Lieu of Land Dedication plus Park Improvements Fee up to fifty percent (50%) to be used by the developer and the remaining fifty percent (50%) be paid to the city.

OPTION THREE

Parkland Dedication within the development as a public park. Fee-in-Lieu of Land Dedication plus Park Improvements Fee up to one hundred percent (100%) can be credited if park and facilities are open to the general public at large.

OPTION FOUR

Alternate Parkland Dedication and Park Improvements Plan: A customized plan that may include combinations of all other options. However no more than 50% of the total Fee-in-Lieu of Land Dedication plus Park Improvements Fee will go towards private parkland.

SECTIONS 62. THROUGH 69. RESERVED

Parkland Dedication Service Districts

