



AGENDA

PLANNING & ZONING COMMISSION

REGULAR MEETING

MONDAY, JANUARY 24, 2022, 6:30 P.M.

PUBLIC LIBRARY ANNEX, CIVIC CENTER

404 NORTH MAIN STREET

1. CALL TO ORDER

2. PUBLIC COMMENTS FOR NON-AGENDA RELATED ITEMS

Individuals may request to speak on items not on the agenda. Speaker comments are limited to three (3) minutes and no formal action can be taken. All speakers must limit their comments to the specific subject matter noted on the "PUBLIC COMMENT FORM" and refrain from personal attacks or derogatory comments directed at any Commissioner, Staff, or others.

3. CONSENT AGENDA

All matters listed below are to be considered routine by the Commission and will be enacted in one motion. There will not be separate discussion on the items. If discussion is desired, that items can be removed from the consent agenda and will be considered separately as a new business item.

<!--[if !supportLists]-->1. Consider approval of the following Minutes:

3.I. December 20, 2021 Minutes.

Documents:

[DECEMBER 20, 2021 MINUTES.PDF](#)

4. NEW BUSINESS

- 4.I. Project #202101723: A Preliminary Plat For "Creeks Crossing" Located On A Parcel Of Located On A Parcel Of Land Known By The Travis County Appraisal District As Parcel 248208, Located Near The Intersection Of Klaus Ln. And Westwind Blvd. And Contiguous To The Westwind Subdivision, For A Total Of 284 Lots On 68.314 Acres Of Land.

- A. Staff Presentation
- B. Applicant Presentation
- C. Open Public Hearing
- D. Close Public Hearing
- E. Discussion
- F. Consideration

Documents:

[CREEKS CROSSING PRELIMINARY PLAT COMBINED PACKET.PDF](#)

- 4.II. Project # 202101744: An Ordinance Amending The Official Zoning Map Of The City Of Elgin, Texas Adopted In Chapter 46, Section 46-3, Revised Code Of Ordinances City Of Elgin, Texas, 2013 And Making This Amendment A Part Of Said Official Zoning Map To Wit: To Rezone Land From "R-3" Single Family, Two Family, And Industrialized Housing District & "C-3" Highway Commercial District To "A" Multiple Family Residential District Located On Parcels Of Land Known By The Bastrop County Appraisal District As Parcels 55724, 133717, 8701937, Parts Of 60525, & Parts Of 118920, Located Between Roy Rivers Rd., Lee Dildy Dr., & Saratoga Farms Blvd. (A59 STANDIFER, ELIZABETH ACRES 9.755, [PART OF] A59 STANDIFER, ELIZABETH ACRES 8.566, [PART OF] A18 BURLESON, JONATHAN ACRES 5.4802, SARATOGA FARMS SUBDIVISIO

- A. Staff Presentation
- B. Applicant Presentation
- C. Open Public Hearing
- D. Close Public Hearing
- E. Discussion
- F. Recommendation

Documents:

[PROJECT 202101744 REZONING TOTAL COMBINED PACKET.PDF](#)

- 4.III. An Ordinance Amending Chapter 46 Zoning, Article V Supplementary District Regulations, Division 5 Off Street Automobile And Vehicle Parking And Loading, Code Of Ordinances, City Of Elgin, TX By Eliminating Minimum Parking Requirements And Setting Maximum Parking Requirements In Certain Areas Of The City; And Providing For A Savings Clause And Repealing Conflicting Ordinances And Resolutions.

- A. Staff Presentation
- B. Open Public Hearing
- C. Close Public Hearing
- D. Discussion
- E. Recommendation

Documents:

[MINIUM PARKING CHANGE COMBINED PACKET.PDF](#)

5. OLD BUSINESS

- 5.I. An Ordinance Adding Chapter 48 Site Development, Revised Code Of Ordinances, City Of Elgin, Texas 2013 Repealing All Other Ordinances And Parts Of Ordinances In Conflict Therewith; And Providing For A Savings Clause.

- A. Staff Presentation.
- B. Discussion.
- C. Recommendation.

Documents:

[SITE DEVELOPMENT CODE COMBINED PACKET.PDF](#)

6. ANNOUNCEMENTS

7. ADJOURNMENT

The Commission may adjourn the public meeting at any time during the meeting and convene in Executive Session pursuant to Chapter 551 of the Texas Government Code to discuss any matter as specifically listed on the agenda and/or as permitted by Chapter 551 of the Texas Government Code. The Commission will return to an open session for possible discussion and action as a result of the Executive Session.

Notice of Assistance at Public Meetings, the City of Elgin is committed to compliance with the Americans with Disabilities Act. Elgin City Hall and Council Chambers are wheelchair accessible and special marked parking is available. Persons with disabilities who plan to attend this meeting and who may need assistance are requested to contact the City Secretary's Office at (512) 281-

5724. Please provide a forty-eight (48) hour notice when feasible.

Para informacion en espanol favor de llamar (512) 281-0119. Servicios de traduccion disponible en la reunion.

MINUTES
CITY OF ELGIN PLANNING AND ZONING COMMISSION
REGULAR MEETING
MONDAY, DECEMBER 20, 2021

CALL TO ORDER – ROLL CALL: The Chair called the meeting to order at 6:30 P.M. at the Library Annex (Civic Center) located at 404 N. Main St., Elgin, TX U.S.A.

COMMISSION PRESENT: Chair Antonio Prete, Vice-Chair Ronnie Creppon, Brian Lundgren, Jason Tatum, and David Lanford.

COMMISSION ABSENT: Dorothy McCarther & Scott Mackay.

STAFF PRESENT: David Harrell, Development Services Director; Melissa Lipiec, Secretary; Derek Klenke, TRC Engineers (3rd Party City Engineer).

PUBLIC COMMENT FOR NON-AGENDA RELATED ITEMS: No members of the public were present to speak on this item.

CONSENT AGENDA

1. November 22, 2021, Minutes.

Vice-Chair Ronnie Creppon moved that the Commission approve the consent agenda, Jason Tatum seconded the motion. The motion passed unanimously with a vote of five (5) for and zero (0) against.

NEW BUSINESS

1. Project #: 202100657: A final plat for “Harvest Ridge Section 2” located on parcels of land known by the Travis County Appraisal District as Parcel 358752 and the Bastrop County Appraisal District as Parcel R15378, located adjacent to Harvest Ridge Phase I and near the intersection of County Line Road and Golden Eagle Dr. on the eastside of County Line Road for a total of 168 lots on 37.26 acres of land.
 - A. Staff Presentation – David Harrell conducted a power-point presentation of the staff report.
 - B. Applicant Presentation – Applicant was not present for the meeting.
 - C. Open Public Hearing – The public hearing was opened at 6:36 P.M. with no members of the public to speak on the item.
 - D. Close Public Hearing – The public hearing was closed at 6:36 P.M.
 - E. Discussion – There was discussion between the Commission and City Staff regarding whether to make a note of the name change from Altessa to Harvest Ridge.
 - F. Recommendation – Vice-Chair Ronnie Creppon made a motion to approve of the item, seconded by Brian Lundgren. The motion passed unanimously by a vote of five (5) to zero (0).

NEW BUSINESS (Cont.)

2. Project # 202100636: A final plat for “Trinity Ranch Phase 1, Section 1” located on parcels of land known by the Bastrop County Appraisal District as Parcels 99257 and 11949, located south of the intersection of Swenson Blvd. and Dildy Dr. for a total of 155 lots on 37.31 acres of land.
 - A. Staff Presentation – David Harrell conducted a power-point presentation of the staff report.
 - B. Applicant Presentation – Tim Holland c/o BGE, Inc. had no presentation but indicated he was here to answer questions.
 - C. Open Public Hearing – The public hearing was opened at 6:41 P.M. with no members of the public in attendance to speak on the item.
 - D. Close Public Hearing – The public hearing was closed at 6:41 P.M.
 - E. Discussion – There was discussion between the Commission and the applicant regarding number of accesses for the development in relation to the Fire Code. The applicant indicated they were thinking of having Phase 3 for the second access point.
 - F. Consideration – Jason Tatum made a motion to approve of the item, seconded by Brian Lundgren. The motion passed unanimously by a vote of five (5) to zero (0).
3. Project # 202101262: A final plat for “Trinity Ranch Phase 1, Section 2” located on a parcel of land known by the Bastrop County Appraisal District as Parcel 11949, located east and south of the Trinity Ranch Phase 1, Section 1 for a total of 137 lots on 38.72 acres of land.
 - A. Staff Presentation – David Harrell conducted a power-point presentation of the staff report.
 - B. Applicant Presentation – Tim Holland c/o BGE, Inc. had no presentation but indicated he was here to answer questions.
 - C. Open Public Hearing – The public hearing was opened at 6:49 P.M. There were no members of the public present to offer comments.
 - D. Close Public Hearing – The public hearing was closed at 6:49 P.M.
 - E. Discussion – There was discussion between the Commission and City Staff regarding number of accesses for the development in relation to the Fire Code.
 - F. Consideration – David Lanford made a motion to approve of the item, seconded by Brian Lundgren. The motion passed unanimously by a vote of five (5) to zero (0).

OLD BUSINESS

1. An Ordinance Adding Chapter 48 Site Development, Revised Code of Ordinances, City of Elgin, Texas 2013 repealing all other ordinances and parts of ordinances in conflict therewith; and providing for a savings clause.
 - A. Staff Presentation – David Harrell indicated he desired the item to be tabled until next month if desired by the Commission. This was affirmed by the Chair Antonio Prete.
 - B. Discussion – The Commission and City Staff discussed the dates, times, and locations of the proposed workshops and January hearing date.
 - C. Recommendation – Jason Tatum made a motion to table the item until January 24th and to have a minimum two (2) workshop meetings starting at 6:00 P.M. on January 19th & January 20th at the Public Library Annex (Civic Center), seconded by Vice-Chair Ronnie Creppon. The motion passed unanimously by a vote of five (5) to zero (0).

ANNOUNCEMENTS

Jason Tatum asked about getting together with other appointed City Boards for a holiday party. It was suggested that a budget be set. There was a consensus on this idea from the Commission.

ADJOURNMENT

The meeting was adjourned by the Chair at 7:00 P.M.

Antonio Prete, Chair

ATTEST: _____
Melissa Lipiec, Secretary

On a motion by _____, seconded by _____
the foregoing instrument was passed and approved on this 24th day of January 2022.



Development Services Department

STAFF REPORT

Project # 202101723: Preliminary Plat for Creeks Crossing.

Date: January 14, 2021

Applicant: John Hines c/o Cude Engineers.

Representative: SAME

Hearing Dates: Planning & Zoning Commission – January 24, 2021

Location: Travis Co. Appraisal District Parcel 248208. The general location is near the intersection of Klaus Ln. and Westwind Blvd. and contiguous to the Westwind Subdivision (see attachment 2).

APPLICATION SUMMARY

Consideration of a preliminary plat for Creek Crossing which consists of single-family home lots. The lot widths are 45 feet (on lots that have alley access) & 50 feet in size (for all other lots). Lot areas range roughly in size from 4,950 sq. ft. (on lots that have alley access) to 6,000 sq. ft. (on all other lots). There is a total of 289 lots of which consist of 284 single family lots, 4 open space lots (1 of these lots will have the development mailboxes as well) , and 1 detention on 4 blocks. There are different right-of-way (ROW) sizes to accommodate for local (50-foot ROW) and an arterial roadway (90-foot ROW). Lots that border the arterial will access lots from alleyways. The proposed Preliminary Plat covers the entire concept plan in the PDD documents (see attachment 2).

DEPARTMENT COMMENTS

The City Council approved a Planned Development District (PDD) rezoning for this site on October 12, 2021. This development was to consist of 45-foot-wide lots and 4,950 sq. ft. lots along the 90' wide arterial roadway and 50-foot-wide lots and 6,000 sq. ft. lots in other areas of the development. For the creation of smaller lots, several agreements were made between the City and developer. One of these was to enlarge the main roadway from collector (60-foot ROW) to arterial (90-foot ROW) size and for the developer to construct a 4-lane divided roadway with median strip. This arterial will be part of larger roadway system that will eventually run to, at least, Carlson Ln. and provide a parallel reliever to County Line Rd.

STAFF ANALYSIS

Staff has reviewed the Preliminary Plat and it is similar in layout and design of the approved PDD concept plans (see attachment 2) & meets the City Code of Ordinances. Based on the information within the packet, staff believes there are no issues or concerns with approving the request. The Commission may approve, approve with conditions, or deny.

ATTACHMENTS

Additional information is provided through attached exhibits.

1. Application.
2. Approved PDD Plans.
3. Proposed Preliminary Plat

Attachment 1

Application

Modification of _____

SITE INFORMATION

Project Address: 13211 Klaus Ln., Elgin, TX 78621

Parcel Identification Number (if no address): _____

APPLICANT

Name: John Hines

Postal Address: 12301 Research Blvd., Bldg. V, Ste. 160, Austin, TX 78759

E-Mail Address: jhines@cudeengineers.com ; **Phone Number:** 512-260-9100

The information given on this application is accurate to the best of my knowledge. All provisions of laws and ordinances governing this work will be complied with, whether specified on this application or not.

[Handwritten signature]

John Hines

10-26-2021

Signature

Printed Name

Date _____

Project Description:

68.31 Acre subdivision of 284 single family lots with street, drainage, storm sewer, water, and wastewater improvements.



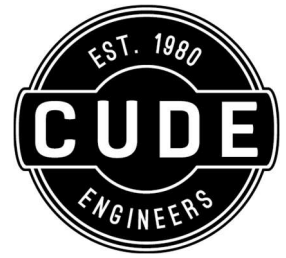
310 North Main Street
P.O. Box 591
Elgin, Texas, 78621



(512) 281-5724



www.elgintx.com



September 13, 2021

David Harrell, AICP
Development Services Director
City of Elgin
310 North Main Street
Elgin, Texas 78621

RE: Owner Authorization for Applicant to submit Preliminary Plat of Creeks Crossing

Dear Mr. Harrell,

The owner of the real property (67+/- acres) at 13211 Klaus Lane hereby designates John Hines with Cude Engineers to submit the preliminary plat application and support documents, as well as act as agent for the application for processing with the City of Elgin. Please find the notarized and completed Landowner Authorization and Affidavit of Ownership attached herein.

If you need to reach me for additional information you may email me at jhines@cudeengineers.com.

Sincerely,

A handwritten signature in blue ink, appearing to read "John D. Hines", is written over a faint, circular blue stamp.

John D. Hines, P.E.
Vice-President (Austin)

LANDOWNER AUTHORIZATION AND AFFIDAVIT OF OWNERSHIP

SUBJECT PROPERTY INFORMATION

Subdivision Name, Block, Lot, or legal description if not subdivided: 13211 Klaus Lane
of lots (if subdivided): 289+/- # of acres: 67.97+/-
Site APN/Property ID #(s): Travis CAD #'s R248209 and R248208
Location: near Klaus Ln/Western Sky Blvd; west side of Elgin County: Travis
Development Name: Klaus Farms

OWNER

Company/Applicant Name: Creeks Crossing Land Partners LLC
Authorized Company Representative (if company is owner): S. Todd McCullough
Type of Company and State of Formation: Texas limited liability company
Title of Authorized Company Representative (if company is owner): _____
Applicant Address: 311 Westwood Terrace, Austin, Texas 78746
Applicant Fax: n/a
Applicant Phone: 512-914-7800
Applicant/Authorized Company Representative Email: todd@insite-austin.com

APPLICANT REPRESENTATIVE

Check one of the following:

_____. I will represent the application myself; or

X I hereby designate John Hines (name of project representative) to act in the capacity as the agent for filing, processing, representation, and/or presentation of this development application. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this application.

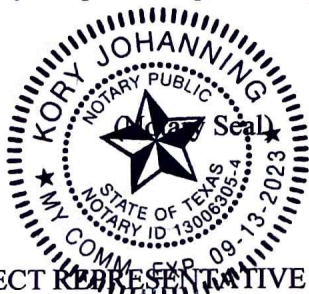
I hereby certify that the above-named owner is the rightful owner of the Property. I am either the owner of the property identified above or a partner/manager/officer/director/member of the company who is authorized to act on behalf of the company. I further certify that the information provided herein and in the application for the development is true and correct. By signing below, I agree that the City of Elgin (the "City") is authorized and permitted to provide information contained within this application, including the email address, to the public.

Owner's Signature: S. Todd McCullough Date: 13 Sept 2021

State of Texas §

County of Travis §

This instrument was acknowledged before me on (date) by (name of authorized company representative) who is a(n) (member, manager, authorized officer, etc.) of (name of company), a (Texas) (limited liability company, corporation, partnership, etc.).



PROJECT REPRESENTATIVE

SUBSCRIBED AND SWORN TO before me, this
the 13th day of September, 2021.

[Signature]
Notary Public's Signature

9-13-2023
My Commission Expires

Representative Name: John Hines, P.E. with Cude Engineers
Representative Address: 12301 Research Blvd, Bldg. V, Suite 160, Austin, TX 78759
Representative Phone: 512-534-7218
Representative Email: jhines@cudeengineers.com
Representative's Signature: John Hines Date: 9-13-2021



Attachment 2
Approved PDD Plans

AGREEMENT AND DEVELOPMENT PLAN

CREEKS CROSSING

PLANNED DEVELOPMENT DISTRICT (“PDD”)

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

THIS AGREEMENT AND DEVELOPMENT PLAN (this “Agreement”) is made and entered by and between the CITY OF ELGIN, TEXAS, a Texas municipal corporation, (hereinafter referred to as the "City"), and CREEKS CROSSING LAND PARTNERS, LLC, a Texas Limited Liability Company, its successors and assigns, (hereafter referred to as the "Owner"); provided, however, upon sale, transfer or conveyance of portions of the hereinafter described property, the duties and obligations of the Owner, as it relates to the respective property, shall be assumed by the new owner, and the Owner shall have no further liability relating to their respective property.

WHEREAS, the Owner is the owner of certain real property consisting of 68.031 acres, as more particularly described in **Exhibit "A"**, (herein after referred to as the “Property”) attached hereto and made a part hereof.

WHEREAS, the Owner has submitted a request to the City to zone the Property as a Planned Development District (the "PDD"), and those portions of the Property currently lie within City Limits.

WHEREAS, pursuant to Chapter 46, Article IV, Division 10, Code of Ordinances, City of Elgin, Texas, the Owner has submitted a Development Plan setting forth the development conditions and requirements within the PDD, which Development Plan is contained in Section II of this Agreement; and

WHEREAS, the City has held public hearings required by law to solicit input from all interested citizens and affected parties; and

WHEREAS, on July 26, 2021, the City's Planning and Zoning Commission recommended approval of the Owner's application for a PDD; and

WHEREAS, the City Council has reviewed the proposed Development Plan and determined that it promotes the health, safety, and general welfare of the citizens of Elgin and that it complies with the intent of the Planned Development District Ordinance of the City;

NOW THEREFORE BY THIS AGREEMENT WITNESSETH that, in consideration of the covenants and conditions set forth herein, the City and the Owner agree as follows:

II

DEVELOPMENT PLAN (“Plan”)

1. **DEFINITIONS**

Words and terms used herein shall have their usual force and meaning, or as defined in the Code of Ordinances, as amended, City of Elgin, Texas, hereinafter referred to as "the Code"

2. **PROPERTY**

This Development Plan (hereinafter referred to as “Plan”) covers approximately 68.031 acres of land, all of which is located within the city limits of Elgin, Texas, and more particularly described by metes and bounds in **Exhibit "A"**, attached hereto.

3. **PURPOSE**

The purpose of this Plan is to insure a PDD that 1) is equal to or superior to development that would occur under the standard ordinance requirements, 2) does not have an undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utilities or any other matters affecting the public health, safety and welfare, 3) is adequately provisioned by essential public facilities and services, and 4) will be developed and maintained so as not to dominate, by scale or massing of structures, the immediate neighboring properties or interfere with their development or use in accordance with any existing zoning district.

4. **APPLICABILITY OF CITY ORDINANCES**

4.1 **Zoning and Subdivision Ordinances**

The Property shall be regulated for purposes of zoning and subdivision by this Plan. All aspects not specifically covered by this Plan shall be regulated by applicable sections of the Code. This PDD serves to augment and/or modify the standards for development outlined in the Code to implement the vision for the Property and ensure a quality development not otherwise achieved solely by the underlying base zoning district. Refer to **Exhibit “C”, Development Standards**, for additional design standards set forth in the PDD document. If there is a conflict between this Agreement and Plan and the Code, this Agreement and Plan shall supersede the specific conflicting provisions of the Code. If there is a conflict between this Agreement and Exhibit “C”, this Agreement shall supersede the specific conflicting provisions of the Exhibit “C”.

4.2 **Other Ordinances**

All other Ordinances within the Code shall apply to the Property, except as clearly modified by this Plan.

5. **PERMITTED USES**

The Property shall be used and developed as shown in the Concept Plan, **Exhibit "B"** attached hereto and incorporated herein. The Concept Plan depicts the Development Plan for the property. Minor alterations to the Concept Plan may be made administratively as part of the Final Plat and/or Construction Plan application processing.

Exhibit "C", Development Standards, depicts the development standards for the Residential parcels within the Property. A property owner's association governing the residential properties will be developed before any certificate of occupancy is issued.

6. **UNDERGROUND UTILITY SERVICE**

All utility lines must be underground to connection points provided by the utility service provider. All transformers must be visually screened.

7. **DRIVEWAY ACCESS TO WESTERN SKY BOULEVARD, CRESTWIND LANE, AND/OR WILLOW SAGE LANE**

The Owner agrees to provide two roadway connections into the Property. The Owner agrees to connect at the existing public right-of-way of Willow Sage and seek rights from the Westwind H.O.A. to convey to the City for a second driveway connection off of Western Sky Boulevard, as depicted in the Concept Plan (Exhibit B). Provided the Owner is unable to secure access at that location from the Westwind H.O.A., the Owner will be allowed by the City to utilize the existing public right-of-way connections to Crestwind Drive and Willow Sage Lane.

8. **PARKLAND DEDICATION**

The parkland dedication requirements for the Property shall be met in full by providing the following:

8.1 **Parkland Open Space and Trails**

The Project will provide approximately 12.5 acres of public open space (18% of the Project) as shown on **Exhibit "D", Public Open Space Plan**. The open space lands and associated improvements shall be accessible to the public. Improvements to the public open space shall at a minimum include 2,000 linear feet of six foot (6') wide decomposed granite or concrete trail combination, 3 park benches, 2 workout stations, 2 trash receptacles, and 2 pet waste stations along the trail system. The location of the park improvements will be incorporated into the construction plans for each phase of the Property. A sidewalk (5-feet wide) shall be provided to connect from existing sidewalks at Crestwind Lane to the proposed sidewalks on Creeks Crossing Drive.

Ownership and maintenance of the public open space shall be the responsibility of the private Homeowner's Association (HOA). The HOA will have the right to impose restrictions and enforce proper use of the public open space, including the right to add security measures (fences, cameras, or related), if necessary to prevent the misuse,

abuse, vandalism, or any other nuisance activities on the open space lands. An access and conservation easement will be entered into with the City or shown on the final plat to retain use of the land as parkland and the parkland will be accessible to the public.

8.2 Parkland Fee in Lieu of Required

The Developer has agreed to donate the additional 30-foot wide right-of-way and fully fund the construction of a 4-lane major arterial through the project that is a greater contribution from the collector level road classification necessary to serve just the needs of the project. The Developer will also provide for six (6) Public parking spaces [5 standard stalls 9 ft wide x 18 feet deep; and 1 handicap space 11 feet x 18 feet deep] with direct access to the project's public trail system. The design and location will be part of the construction plan application.

8.3 Tree Preservation Plan

A tree preservation plan per Section 36-29(n) will be provided with the preliminary plat application for the project.

8.4 Postal Station

Postal delivery standards are met in accordance with Section 36-60 of the City Subdivision Ordinance.

9. SIGNS

The Project shall incorporate the Development Standards as depicted on **Exhibit "C"**.

10. WATER AND WASTEWATER

The City of Elgin will be the retail wastewater provider. Aqua Water Supply Corporation will be the retail water provider and is not part of this Agreement between the City and Owner.

Existing water and wastewater infrastructure is at or adjacent to the property and no additional major extensions or improvements are necessary to provide service to the Property. Additionally, the existing Westwind lift station that is also adjacent to and will be receiving the wastewater flows from the Property (for up to 287 LUE connections) has adequate pumping and storage capacity as shown in **Exhibit "F"**. No additional direct offsite improvements to the City's wastewater system is necessary to serve the project. A utility plan for wastewater service has been provided as **Exhibit "G"**.

11. WATER QUALITY, DETENTION, AND IMPERVIOUS COVER

The Project will follow the City's Code and specifically will be required to provide stormwater runoff controls (detention), erosion control measures, permanent BMP's, grading, and related infrastructure to prevent increased or adverse affects downstream of the Project. Water quality

will not be required for this project.

The Project will be designed utilizing Atlas 14 rainfall intensities relative to the Project area. There is no existing FEMA floodplain reflected on the Property and therefore the Project will include grading, re-grading, channelization, and modification as needed to accommodate existing offsite upland flows passing through the Property, onsite drainage ways, and overall stormwater conveyance leaving the Property.

Impervious cover will be limited to sixty (60%) of the total gross acreage for the Project. Decomposed granite trails, mulch, or other pervious surfaces will not be counted as impervious cover. Pools with at least 4 inches of height between coping and water surface will not be counted as impervious cover.

12. DESIGN OF INGRESS OR EGRESS FOR DRIVEWAYS

This project will not provide mutual access agreements on parking lots, driveways and adjoining properties as encouraged on Section 36-514.8 of the Code of Ordinances. This project will however provide connectivity to adjacent properties as shown in the Concept Plan, **Exhibit “B”**.

13. STREETS, BLOCKS, LOTS, SIDEWALKS, BUILDING LINES, AND SETBACKS, DRAINAGE AND STORM SEWERS AND OTHER MATTERS

13.1 Development Standards

The Project shall incorporate the Development Standards as depicted on **Exhibit “C”**.

13.2 Buffer Zones

The City of Elgin required buffer zones per Sec. 36-312(b)(2) are hereby modified such that adequate buffer zones will generally comply with the City’s code, and may be modified as depicted in Exhibit C but in any case will provide sufficient space for drainage conveyance. All proposed buffer zones will be shown on the final plat and construction plans prior to approval.

13.3 Sidewalk-In-Lieu Fees

Not applicable. No offsite sidewalks or related fees are required with this Project.

13.4 Traffic Impact

The Owner will pay for and has provided the City a free copy of a Traffic Impact Analysis (TIA, see **Exhibit “H”**) as it relates to the direct impact of projected new traffic created by this Project, i.e. the addition of approximately 287 new homes. The impact or study area will be limited to existing public roadways within 0.5 miles of the Project. Any recommendation for improvements to existing **City roadways** will be evaluated and negotiated with the City, separate from this Agreement, however any such improvements that involve costs to the Owner will be prorated based on the direct

impact of this Project. Example: if this Project generates 1,000 trips out of 5,000 total trips on a roadway intersection where an improvement is recommended, the Owner would only be responsible for 20% of the costs for said improvement.

The Owner will also provide a copy of the TIA to the State, however, the State is not a party to this Agreement. The City agrees to not withhold or delay the Owner in the City entitlement process for the Project for any offsite State roadway improvement recommendation.

13.5 Perimeter Improvements

No perimeter or offsite improvements are required for this Project, except those required for existing utility connections, connections to existing roadways, and signage for the subdivision.

13.6 City Thoroughfare Plan

The Owner agrees to provide for a Major Arterial with 90 feet of Right of Way for and through Creeks Crossing beginning at Western Sky and traversing through the 68.031 acre Project site to the north boundary line, as reflected in the Concept Plan Exhibit “B”. The Major Arterial will include two paved lanes in each direction with onsite storm sewer, divided by an approximate 12-foot wide median (including xeriscape) and a five (5’) foot wide sidewalk on each side of the right-of-way, following the City Construction Detail included as **Exhibit “I”**. No residential lots will take direct driveway access from the Major Arterial, though alley access drives serving multiple lots may take direct access as depicted in Concept Exhibit “B”. No utility extensions, no additional drainage or detention for offsite areas, no pedestrian facilities, and no other pass through services that are not directly required for the Creeks Crossing development will be required of the Owner as it pertains to the dedication of the right-of-way and construction of the Major Arterial through the Project.

14. CHANGES TO AGREEMENT AND DEVELOPMENT PLAN

14.1 Minor Changes

Minor changes to this Agreement or Plan, which do not substantially alter the proposed street circulation, increase the lot count above the limit set in **Exhibit “C”** or alter the Residential Development Standards in **Table “B.1” of Exhibit “C”**, may be approved administratively, if approved in writing, by the City Engineer, the Director of Planning, the Director of Public Works, and the City Attorney.

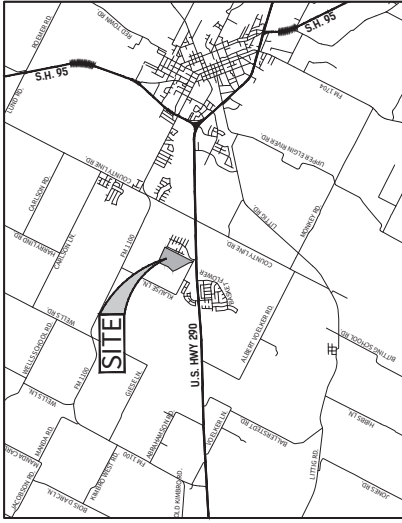
14.2 Major Changes

All changes not permitted under section 14.1 above, shall be resubmitted following the same procedure required by the original PDD application; provided, however, that nothing herein or otherwise shall require an owner of a portion of the Property (the “Rezoning Owner”) to obtain the consent or approval of any other owner of a portion of the Property for a change in zoning (including amending this Agreement) as it applies to the land of the Rezoning Owner.

14.3 Deed Restrictions and Creation of a Home Owner’s Association

The Owner shall create a Homeowner’s Association responsible for, among other things, enforcement of deed restrictions required under this Agreement. The Association shall be created and deed restrictions recorded before the issuance of building permits for residential building construction on the Property. The deed restrictions shall be submitted to the City for review to determine consistency with this Agreement before recording. The Association shall be duly authorized, under applicable laws, to enforce the deed restrictions against all owners and developers of land within the Property. Any deed restrictions, and amendments thereto, regulating development of the Property shall be recorded in the Official Public Records of Travis County, Texas. Any deed restrictions regulating development of the Property, and any amendments thereto, shall be subject to this Agreement. Such deed restrictions shall further include a statement that they are subject to this Agreement and that, in the event of a conflict between the deed restrictions and this Agreement, this Agreement shall govern. City shall review any proposed changes for consistency.

CREEKS CROSSING CONCEPT PLAN



OWNER:
CREEKS CROSSING LAND PARTNERS, LLC
311 WESTWOOD TERRACE
AUSTIN, TX 78746
ATTN: S. TODD MCCULLOUGH

SURVEYOR:
JOBY EARLY, R.P.L.S.
ERIC DANNHEIM, R.P.L.S.
EARLY LAND SURVEYING, LLC
P.O. BOX 92388
AUSTIN, TX 78709

LAND USE SUMMARY	
Gross Acreage:	67.97 Acres
Linear Feet of New Streets	10,692
Number of Blocks	10
Single-Family (50'x120'+)	175 Lots
Single-Family (45'x110'+-Alley)	109 Lots
Detention Pond/Open Space	4 Lots
Total:	288 Lots

- LEGEND
- 50'x120'+ LOTS
 - 45'x110' LOTS + ALLEY
 - POND
 - PARKLAND/OPEN SPACE
 - PHASE LINE

SCALE: 1"=100'



0.41 ACRES (88,579 SQ. FT.)
GEORGE E. BERRY AND ROBERT A. CUNNINGHAM AS
TRUSTEES OF THE CREEKS CROSSING LAND PARTNERS, LLC
(DISBURSED 2013.10.04/20)
CORRECTED 2013.10.04/20

CREEKS CROSSING
CONCEPTUAL PLAN
CONCEPT LAYOUT C

DATE
9/13/2023
PROJECT NO.
B04397.000.0
DRAWN BY
CJB
CHECKED BY
JDB

REVISIONS

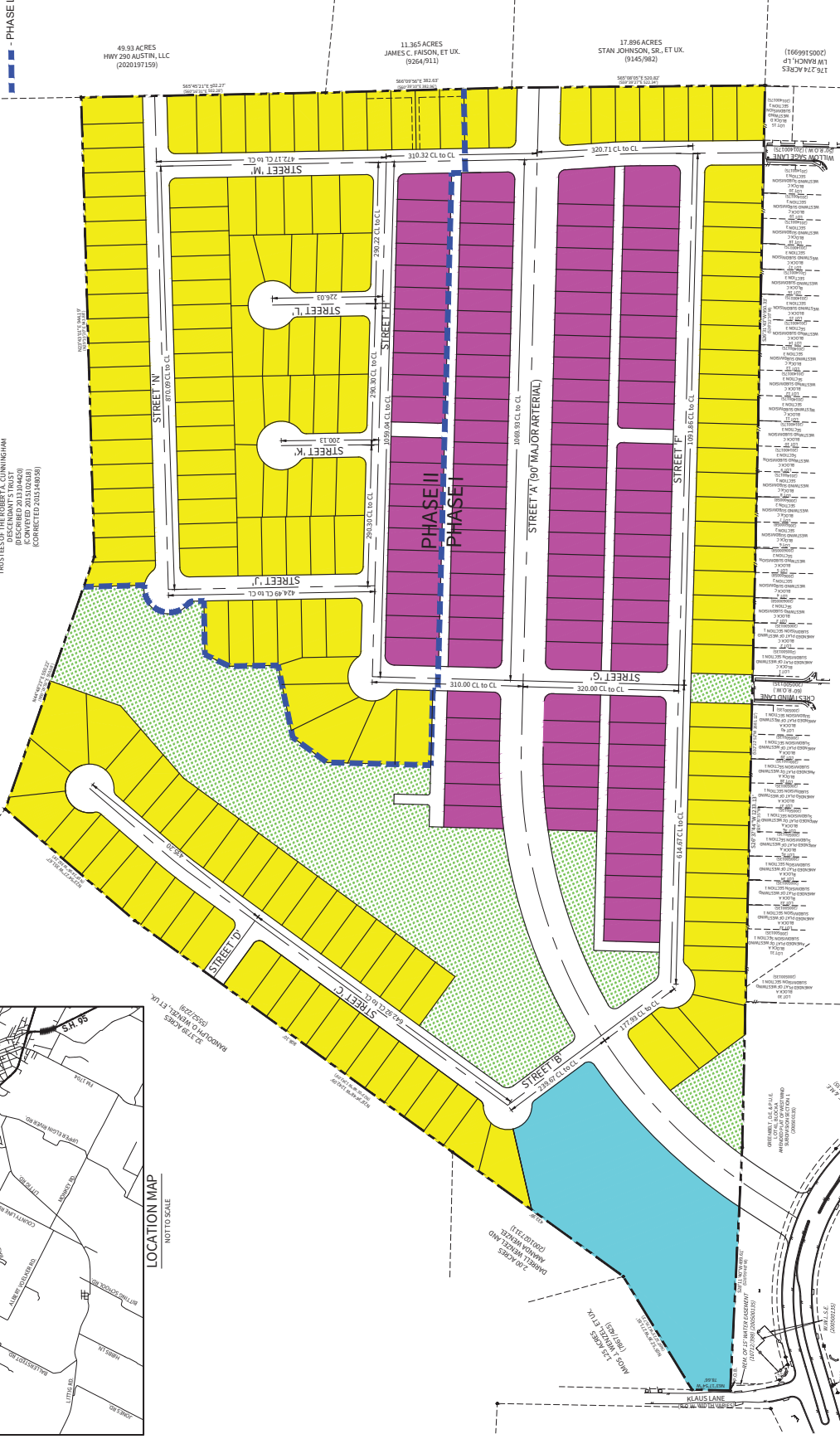
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CREEKS CROSSING
CONCEPT LAYOUT C

PLAT NO.

1

OF 1



136.74 ACRES (29,744,000 SQ. FT.)
STAN JOHNSON, SR., ET UX.
(9145/982)
11.365 ACRES
JAMES C. FAISON, ET UX.
(9264/911)
49.93 ACRES
HWY 900 AUSTIN, LLC
(2020/1917159)

EXHIBIT “C”
DEVELOPMENT PLAN

A. Applicability and Base Zoning

All aspects regarding the development of this Property shall comply with the City of Elgin Code of Ordinances in effect on (THE EFFECTIVE DATE) except as established in this exhibit, titled Exhibit “C” and described in this Agreement.

All development within the Property will comply with the modified development standards of **Exhibit “C”**. In the case that this exhibit does not address a specific City requirement, the Elgin Code of Ordinances shall apply. In the event of a conflict between this exhibit and the Code of Ordinance on (THE EFFECTIVE DATE), this exhibit shall control.

B. Single Family Residential Lot Design Standards

The development of the Property will not exceed 287 single-family residential units. The potential product shall be developed in compliance with **Table B.1**.

In addition to the design standards outlined in **Table B.1**, the following standards shall also apply:

1. Residential lot widths shall be measured from the front setback building line as established below. Alley load lots: Lots along the Major Arterial shall be rear alley load, may be 45-feet in width or larger, and have a minimum Lot Area of 4,950 square feet. All other lots shall be Front load lots with driveways directly onto a public street and shall follow Table B.1 below;

<u>Table B.1</u> Residential Development Standards	
	FRONT LOAD A
Lot Width Minimum	50 feet
Lot Depth Minimum	110 feet*
Setbacks	
Front (Min.)	15 feet
Rear (Min.)	10 feet
Garage Setback (Min.)	20 feet
Side (Min.)	5 feet (1 or 2 story)
Corner (Min.)	15 feet
Building Height	35 feet
Minimum Lot Area	5,500 square feet
*Excluding cul-de-sacs/knuckles.	

C. Roadway Standards

1. Collector streets shall have a minimum centerline radius of 300 feet (300'); 60-foot wide of right-of-way; and 40 feet face-to-face of pavement.
2. Local streets shall have a minimum centerline radius of 275 feet (275'); 50-foot wide of right-of-way; and 30 feet face-to-face of pavement.
3. Rollover curbs (6 inch) may be used on all roadway types consistent with the Typical Cross Section exhibits within this Agreement, provided no sidewalk may be located any closer than 3-feet behind rollover curbs (the clear zone).
4. The block length requirements per City of Elgin Sec. 36-202 are modified as shown in the Concept Plan and are approved with this Agreement. Approved modifications to the Concept Plan that affect block length will also be permitted per this Agreement.
5. Sidewalks in front of residential lots will be installed during the installation of the residential landscape on said residential lot and prior to issuance of certificate of occupancy.
6. Sidewalks along roadways in which there is not a residential lot shall be installed during the construction of each subdivision phase and roadway improvements.
7. Local and arterial roadways may cross at two (2) locations as shown on the concept plan and that a waiver is requested to Section 36-78(d), City Code to allow for full left turn ability.

D. Drainage and Grading

1. Drainage collection facilities dedicated to the public and within proposed right-of-way will be designed to City Codes. Drainage facilities on private lots or private drainage easements will be owned and maintained privately by lot owners and may be constructed with a mix of open channel and underground storm sewers. Design criteria shall be based on the City of Elgin Construction Standards, Atlas 14 rainfall intensities, SCS/Unit Hydrograph, Rational Method, TR-55, HEC HMS, and engineering recommendations provided by the design engineer for private drainage facilities, and per City Code for all public drainage facilities. Private drainage facilities will be clearly indicated on the construction plans.
2. All cut and fill land balancing shall be limited to a maximum of twelve feet (12'), except when filling of the existing stock tanks.

E. Signage

The control and placement of all signs is especially important to the aesthetic harmony of the Project. A critical component of a cohesive community is the sense of place and identity.

A Master Sign Plan has been prepared as a component of this Agreement. **Exhibit "E"** identifies the sign types, quantities and locations of signs that may be constructed within the Project. Approval of these development standards is intended to permit the number and locations for the community signs as indicated and allow a consistent signage package within the community.

Approval of the development standards shall permit signage at the indicated locations on **Exhibit "E"** but shall not be interpreted as approval of a sign permit. Each proposed sign within these development standards must be submitted to the inspection department for review and permit.

The Master Sign Plan shall include the following type of signs. The sign face area, sizes and quantities of signs shall be governed by the standards identified on **Exhibit "E"** and

Exhibit “E-1”. The graphics included in **Exhibit “E-1”** do not depict actual sign form, but rather the scale and massing that may be constructed.

Sign face area shall be defined as the area included within the smallest rectangle that can encompass the sign letters. The sign face area does not apply to logos, which will be considered a design feature separate from the sign face area.

1. Primary Community Entry Signs

Primary community entry signs (total not to exceed two (2)) may be located at each entrance into the Project.

2. Special Signs

The Directional/Lifestyle Signs category includes a series of signs (total not to exceed five (5)) used to create a strong sense of place and guide people within the Project.

F. Sign Lighting

All signs constructed within the Project may be illuminated in order to increase visibility and/or enhance the aesthetics of the sign design. Sign lighting shall adhere to the following standards:

1. Illumination shall be shielded so there is no glass in the public right-of-way and adjacent properties.
2. Illumination may include lighted cabinet, halo lighting, wall wash up lighting, landscape upward-pointed lighting, and under cap lighting.
3. Illumination may be white or colored.
4. Illumination must be steady. Flashing, moving, and intermittent lights are prohibited.

Attachment 3
Proposed Preliminary Plat



CUDE
12000 Highway 100, Suite 100
Houston, Texas 77060
P: 281.260.1000 F: 281.260.1001

CREEKS CROSSING SUBDIVISION
PRELIMINARY PLAT

PRELIMINARY PLAT

DATE: 1/6/2022
PROJECT NO.: RAO397.000.01
DRAWN BY: CJB
CHECKED BY: JDB

REVISIONS

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CUDE ENGINEERS
STATE OF TEXAS

PLAT NO.

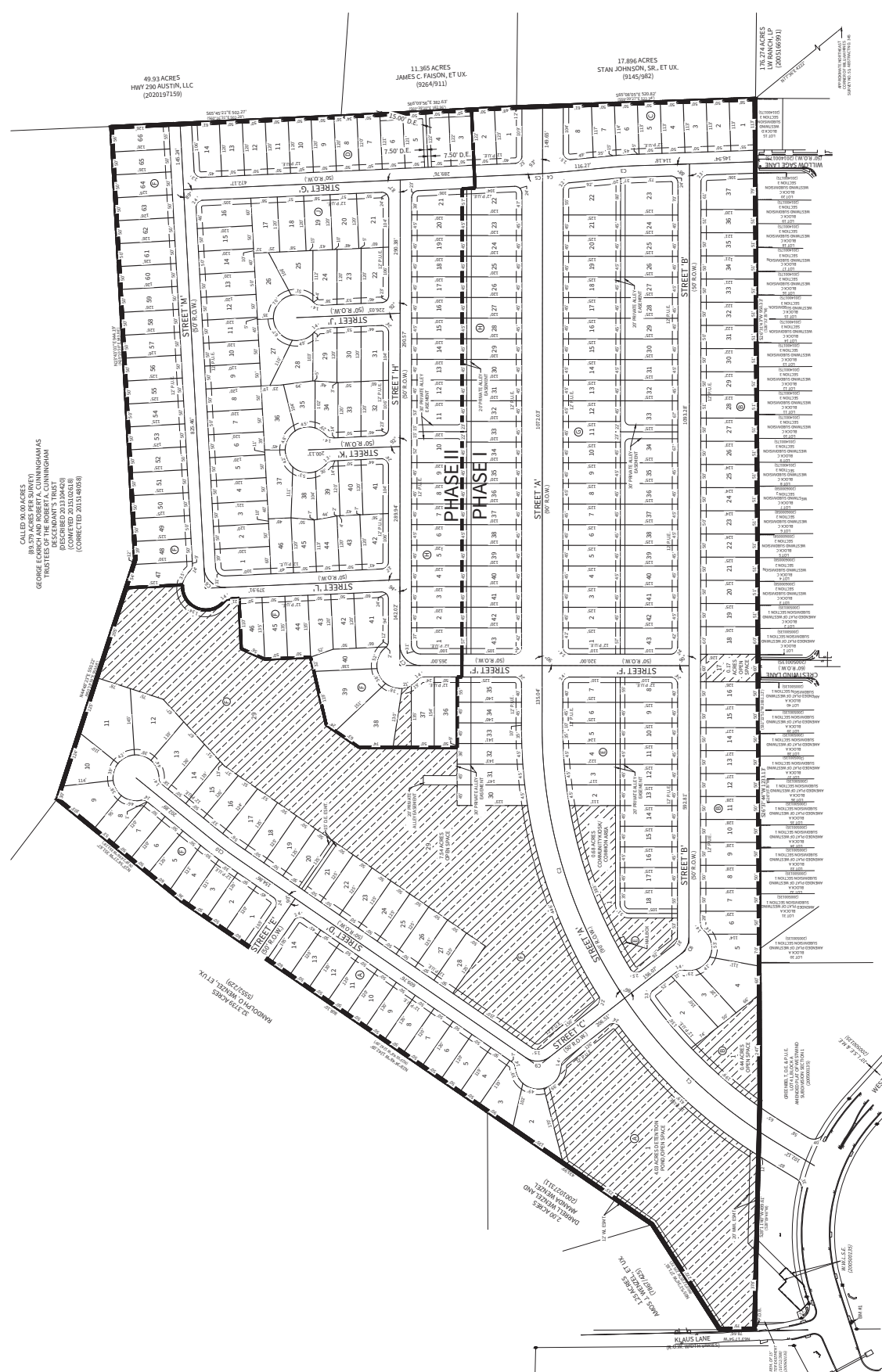
2

OF 8



- NOTES:
1. ATYPICAL LOT P.A.L.E. SHALL BE DEDICATED ALONG THE FRONT OF EACH LOT AND R.O.W. LINE ONE OF THE 12' P.A.L.E. ON EACH SIDE OF THE STREET R.O.W. WILL BE EXCLUSIVE TO AQUA WATER SUPPLY CORPORATION MAIN GAS DISTRIBUTION LINES, WITH FUTURE GAS LINES, UTILITY CROSSING LINES, AND OTHER SERVICE PROVIDERS.
 2. THE ENTIRE SUBDIVISION SHALL BE DIVIDED INTO LOTS OF THE FOLLOWING SIZES:
120 LOTS:
LESS THAN 5,000 SQUARE FEET = 120 LOTS
5,000 - 7,500 SQUARE FEET = 120 LOTS
7,500 - 10,000 SQUARE FEET = 120 LOTS
GREATER THAN 10,000 SQUARE FEET = 11 LOTS.
 3. SETBACKS ON LOTS SHALL CONFORM TO THE FOLLOWING:
FRONT: 15'
SIDE: 10'
REAR: 10'
CORNER: 15'
 4. THIS PRELIMINARY PLAT GENERALLY CONFORMS TO THE ADOPTED CONCEPT PLAN.

CALL FOR 40 ACRES
88.57% (88.57% PRESERVED)
GEORGE EDORCH AND ROBERT A. CUNNINGHAM AS
TRUSTEES OF THE GEORGE EDORCH AND ROBERT A. CUNNINGHAM
DESCENDANT'S TRUST
RECORDED 2013.04.020
CORRECTED 2013.04.020
(CORRECTED 2013.04.020)



REPRODUCTION OF THE ORIGINAL MAP AND SCALED AND/OR RE-ENGINEERED MAPS MUST BE MADE IN THE SAME MANNER AS THE ORIGINAL MAP AND SCALED AND/OR RE-ENGINEERED MAPS. ANY REPRODUCTION OF THE ORIGINAL MAP AND SCALED AND/OR RE-ENGINEERED MAPS MUST BE MADE IN THE SAME MANNER AS THE ORIGINAL MAP AND SCALED AND/OR RE-ENGINEERED MAPS.



EXISTING DRAINAGE PATTERN

DATE
1/6/2022
PROJECT NO
RA0397.000.1
DRAWN BY
CJB
CHECKED BY
JDH

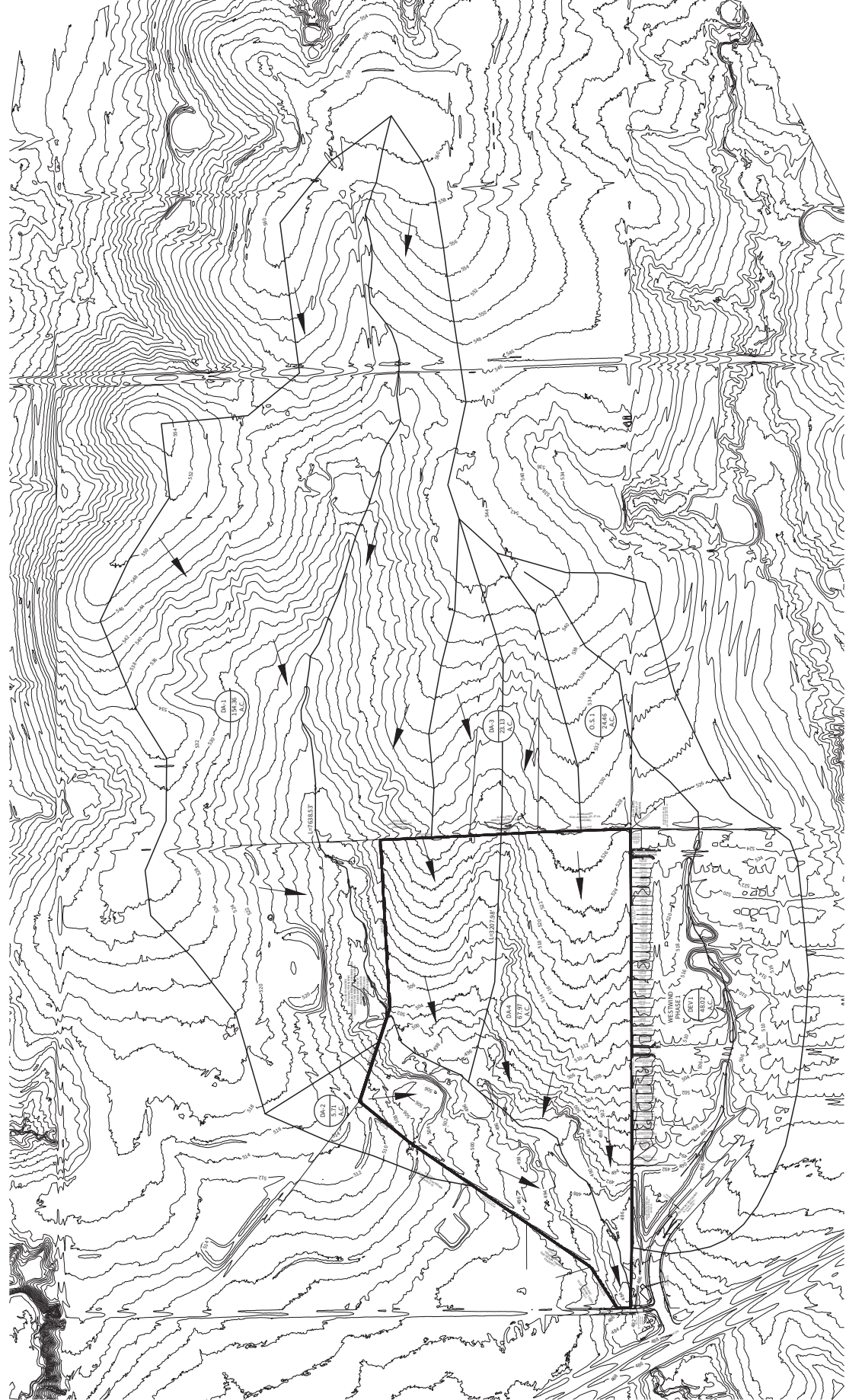
REVISIONS



PLAT NO.

4

8 OF 8

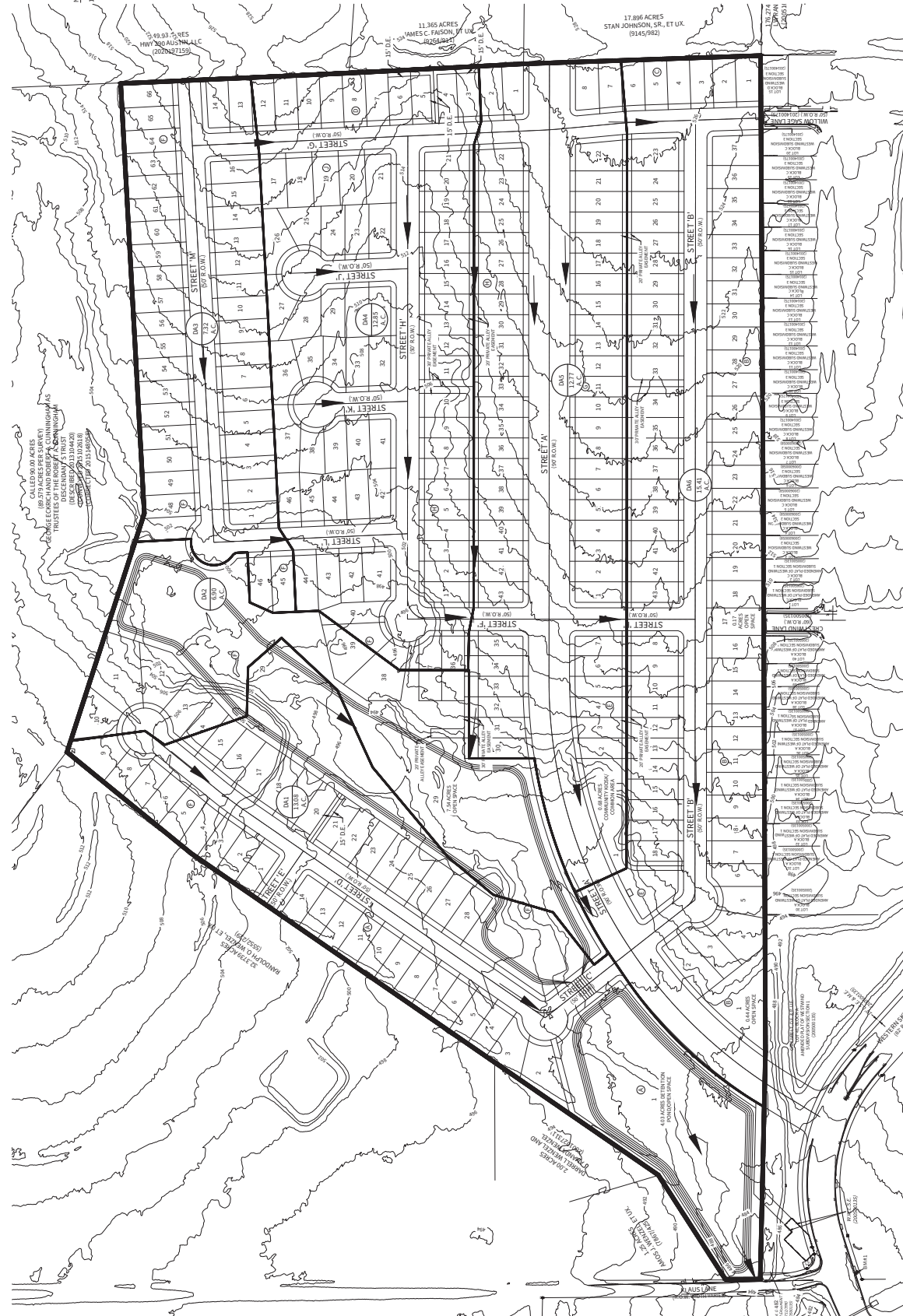




LEGEND

- DRAINAGE AREA
- - - - - DRAINAGE AREA
- DRAINAGE AREA
- DRAINAGE AREA
- DRAINAGE AREA

NOTE:
1. SEE ENGINEER'S REPORT DATED 10/25/2021 FOR DRAINAGE CALCULATIONS.



CUDE
10000 Highway 100, Suite 200
North, Texas 75061
P: 972.260.5000 F: 972.260.5001

**CREEKS CROSSING SUBDIVISION
PRELIMINARY PLAT**

PROPOSED DRAINAGE MAP

DATE: 10/25/2021
PROJECT NO.: RAO397.000.01
DRAWN BY: CJB
CHECKED BY: JDB

REVISIONS
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CUDE ENGINEERS
STATE OF TEXAS
PLAT NO.

5

YAM. NO. TYPE INDICATES MULTI TRAM CRITICAL ZONE (IN INDEXES)	CRITICAL ZONE TYPE CRITICAL ARE SHOWING UNDER THE COORDINATE FOR SPARE PARTS IN THE CRITICAL	CRITICAL ZONE TYPE CRITICAL ARE SHOWING UNDER THE COORDINATE FOR SPARE PARTS IN THE CRITICAL
YAM. NO. TYPE INDICATES MULTI TRAM CRITICAL ZONE (IN INDEXES)	CRITICAL ZONE TYPE CRITICAL ARE SHOWING UNDER THE COORDINATE FOR SPARE PARTS IN THE CRITICAL	CRITICAL ZONE TYPE CRITICAL ARE SHOWING UNDER THE COORDINATE FOR SPARE PARTS IN THE CRITICAL

PARKLAND REQUIRED (5%)	3.42 ACRES
PARKLAND PROPOSED	12.86 ACRES

CALLED 90.00 ACRES
 (\$9,579 ACRES PER SURVEY)
 GEORGE ECKRICH AND ROBERT A. CUNNINGHAM AS
 TRUSTEES OF THE ROBERT A. CUNNINGHAM
 DESCENDANT'S TRUST
 (DESCRIBED 20.13.10442.0)
 (CONVEYED 20.15.02618)
 (CORRECTED 20.51.48058)





Development Service Department

STAFF REPORT

Project #: 202101744

Rezoning from “R-3” Single Family, Two-Family, & Industrialized Housing and “C-3” Highway Commercial District to “A” Multiple Family Residential District

Date: January 14, 2022

Applicant: Elgin Highway 290, LLC

Representative: William H Caudill

Hearing Dates: Planning & Zoning Commission – January 24, 2022
City Council – February 1, 2022

Location: Located on land known by the Bastrop Co. Appraisal District as parcels 55724, 133717, 8701937, parts of 60525, & parts of 118920

APPLICATION SUMMARY

Recommendation by the Planning & Zoning Commission and consideration of the City Council on a rezoning (a change to the official zoning map) of 14.14 acres of land located in an area roughly bounded by Roy Rivers Rd., Lee Dildy Dr., & Saratoga Farms Blvd. behind the Walmart. The applicant’s proposal is to change the zoning from “R-3” Single Family, Two-Family, & Industrial Housing District and “C-3” Highway Commercial District to “A” Multiple Family Residential District to develop an apartment home community (see attachment 5).

DEPARTMENT COMMENTS

Presently the site consists of vacant land and borders the Walmart site to the north, and single-family residential development exists across the streets to the east and south, with largely vacant commercially zoned land to the west, with Ascension Seton to the southwest opposite the site.

STAFF ANALYSIS

In review of the Elgin Comprehensive Plan the parcel is located within the Traditional Neighborhood Residential Land Use category. This category’s secondary land usage is small apartment buildings (see attachment 3) according to the provided map and associated land use language. The proposed zoning category will allow for multi-family as a use by right, which is multifamily development (apartment buildings). When seeking a rezoning, the Commission/Council should consider the uses that could occur on the land by rezoning to another zoning category. The only subtraction of uses would be all the commercial land uses in C-3 as this allow for all our City’s commercial uses, as shown in red text. The only addition would be to allow for multiple family dwellings as shown in green text.

“R-3” & “C-3” Districts (exist.)	“A” District (prop.)
All commercial uses. (C-3 Dist. Only)	
	Multi-family Dwellings
Garage Apartments	Garage Apartments.
Zero Lot Line Two Family Dwelling.	Zero Lot Line Two Family Dwelling.
Detached single-family dwelling.	Detached single-family dwelling.
Churches, but not including revival tents or arbors.	Churches, but not including revival tents or arbors.
Public school offering general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping.	Public school offering general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping.
Public park and playground.	Public park and playground
Library.	Library.
Growing of farm products.	Growing of farm products.
Municipal use	Municipal use
Telephone exchanges.	Telephone exchanges.
Home occupations.	Home occupations.
Duplex	Duplex
Transportation and utility easements, alleys and rights-of-way	Transportation and utility easements, alleys and rights-of-way
Accessory building which is not a part of a main building, including one private garage, or accessory building which is a part of a main building, including one private garage.	Accessory building which is not a part of a main building, including one private garage, or accessory building which is a part of a main building, including one private garage.
Accessory uses, which shall include the following where the primary use is residential: Customary home occupations, if done inside of building, such as dressmaking, babysitting, seamstress, tailoring, millinery, tutoring, when engaged in by members of the resident family and employing not more than one person, not a member of the resident family, but not including beauty culture, barbering or appliance repairing.	Accessory uses, which shall include the following where the primary use is residential: Customary home occupations, if done inside of building, such as dressmaking, babysitting, seamstress, tailoring, millinery, tutoring, when engaged in by members of the resident family and employing not more than one person, not a member of the resident family, but not including beauty culture, barbering or appliance repairing.

Below is a list of zoning standards for each zoning category, changes are highlighted in yellow between zoning categories:

	R-3 & C-3 (exist. zoning)	A (proposed zoning)
Height	2.5 stories or 35' (R-3) 50' (C-3)	50'
Front Setback	15'; garage at 25' (R-3) 25' (C-3)	25'
Side Setback	5' for 1 story; 7.5' for more than 1 story (R-3) 0' unless residential contiguous then 10' (C-3)	10 feet when no openings on façade; otherwise, 12 feet + 1 foot for each 15 feet in length.
Rear Setback	10' (R-3) 0' unless residential contiguous then 10' (C-3)	For multi-family same as side yard except when backing up then residential property then backyard must have a depth of 50 feet; otherwise no rear setback for other uses.
Lot Width	75' (R-3) None (C-3)	None
Lot Area	9,000 sq. ft. (R-3) None (C-3)	None
Impervious Cover on Lot	45% interior; 50% corner (R-3) None (C-3)	None

Based on the information within the packet, staff has no issues or concerns from a zoning and land use standpoint regarding the proposal. The zoning request is the same as another one in the general area (see attachment 4) and the underlying land use in the Comprehensive Plan of Traditional Neighborhood Residential is supportive of apartment buildings as a secondary use of the category (see attachment 3). This staff analysis is not a recommendation of the proposal and evidence presented in this packet and at the hearings may be included for this application's recommendation or consideration.

ATTACHMENTS

Additional information is provided through attached exhibits.

1. Application & Applicant Narrative.
2. Proposed Ordinance.
3. Staff Added Comprehensive Plan Info.
4. Staff Added Zoning Map.
5. Applicant Proposed Development Plan

Attachment 1

Application

NON-PDD REZONING APPLICATION

Date: 11-16-2021

v

SITE INFORMATION

14.14 Acres with frontage on Saratoga Farms Blvd., Roy Rivers

Project Address: Road and Lee Dildy Blvd.

Parcel Identification Number (if no address): Part of 118920, Part of 60525, All of 55724, 133717 and 8701937

APPLICANT

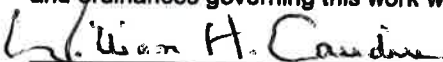
Name: Elgin Highway 290, LLC C/O William H. Caudill

Postal Address: 126 Glynn Way Drive

Houston, Texas 77056

E-Mail Address: william.caudill@nortonrosefulbright.com; Phone Number: 713-962-4027

The information given on this application is accurate to the best of my knowledge. All provisions of laws and ordinances governing this work will be complied with, whether specified on this application or not.



William H. Caudill

11-16-2021

Signature

Printed Name

Date

Project Description:

Re-Zoning 10.52 Acres from R-3 Single-Family, Two-Family and Industrialized Housing District and 3.62 Acres from C-3 Highway Commercial District to A-Multiple-Family Residential District for the development of 311 Class A Garden Style Apartments on a total of 14.14 Acres. See Attached Proposal Pages (4).



310 North Main Street
P.O. Box 591
Elgin, Texas, 78621



(512) 281-0119



www.elgintx.com



Planning and Zoning Services
Owner's Agent Certification

Applications for Planning and Zoning activities may be submitted by the recorded property owner(s) or the owner's agent(s). Agents will need to provide a completed copy of this agent certification when submitting applications on behalf of owners. Signatures obtained by facsimile may be accepted. The City of Elgin may contact property owners by phone, email or U.S. mail to validate signatures.

Appraisal District Property ID(s) BCAD ID 118920 (South Part), 60525 South Part, 55724, 133717 & 8701937
Property Address(es) Lots 7 and 8, Elgin Highway 290 LLC Preliminary Plat March 22, 2011
Owner's Name(s) Elgin Highway 290, LLC
Owner's Contact Address 126 Glynn Way Dr.
Owner's Contact Phone(s) 713-962-4027 (cell) 713-523-0539
Owner's Contact Email William.caudill@nortonrosefulbright.com
Agent's Name(s) William H. Caudill
Agent's Contact Address 126 Glynn Way Dr.
Agent's Contact Phone(s) 713-962-4027, 713-651-5292
Agent's Contact Email william.caudill@nortonrosefulbright.com

Certification Statement

I (owner) Elgin Highway 290, LLC certify I have assigned
(agent) William H. Caudill to represent my interests
for the purpose of obtaining city services associated with Planning and Zoning:

for all parcels listed above. I further declare that this statement is valid until (date) December 31, 2022.
I understand that I may repeal this assignment at any time by submitting a written request, along with a
copy of this form, to City of Elgin, Planning and Zoning 310 N. Main, Elgin, Texas 78621.

Signed this 7th of December, 2021

Owner's Signature Elgin Highway 290 LLC by William H. Caudill, President

William H. Caudill

Attachment 2

Ordinance

ORDINANCE NO. 2022-02-01-??

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ELGIN, TEXAS ADOPTED IN CHAPTER 46, SECTION 46-3, REVISED CODE OF ORDINANCES CITY OF ELGIN, TEXAS, 2013 AND MAKING THIS AMENDMENT A PART OF SAID OFFICIAL ZONING MAP TO WIT: TO REZONE LAND FROM “R-3” SINGLE FAMILY, TWO FAMILY, AND INDUSTRIALIZED HOUSING DISTRICT & “C-3” HIGHWAY COMMERCIAL DISTRICT TO “A” MULTIPLE FAMILY RESIDENTIAL DISTRICT LOCATED ON PARCELS OF LAND KNOWN BY THE BASTROP COUNTY APPRAISAL DISTRICT AS PARCELS 55724, 133717, 8701937, PARTS OF 60525, & PARTS OF 118920, LOCATED BETWEEN ROY RIVERS RD., LEE DILDY DR., & SARATOGA FARMS BLVD. (A59 STANDIFER, ELIZABETH ACRES 9.755, [PART OF] A59 STANDIFER, ELIZABETH ACRES 8.566, [PART OF] A18 BURLESON, JONATHAN ACRES 5.4802, SARATOGA FARMS SUBDIVISION SECTION 2, ACRES 0.03, & ABS A59 STANDIFER, ELIZABETH TRACT 2, 0.1111 ACRES), BEING MORE DESCRIBED IN EXHIBIT “A”; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

WHEREAS, an application has been made to the City Council of Elgin, Texas to amend the Official Zoning Map to rezone the property described in Exhibit "A" attached hereto and incorporated herein, from “R-3” Single Family, Two Family, and Industrialized Housing District & “C-3” Highway Commercial District to “A” Multiple Family Residential District, and.

WHEREAS, the City Council has submitted the requested change in the Official Zoning Map to the Planning and Zoning Commission for its recommendation and report, and

WHEREAS, the Planning and Zoning Commission held a public hearing concerning the requested change on January 24, 2022, following lawful publication of the notice of said public hearing, and

WHEREAS, after considering the public testimony received at such hearing, the Planning and Zoning Commission has recommended that the Official Zoning Map **be amended** so that the zoning classification of the property described in Exhibit "A" is “A” Multiple Family Residential District, and

WHEREAS, on February 1, 2022, after proper notification, the City Council held a public hearing on the requested zoning, and

WHEREAS, the City Council determines that the zoning provided for herein promote the health, safety, morals, and protects and preserves the general welfare of the community, and

WHEREAS, each and every requirement set forth in Chapter 211, Sub-Chapter A, Texas Local Government Code, and Chapter 46, City of Elgin Ordinances, concerning public notices, hearings, and other procedural matters has been fully complied with, Now Therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ELGIN, TEXAS, THAT:

I.

The Official Zoning Map adopted in Chapter 46, Section 46-3, City of Elgin, Texas is hereby amended so that the zoning classification of the property described in Exhibit "A" is rezoned from "R-3" Single Family, Two Family, and Industrialized Housing District & "C-3" Highway Commercial District to "A" Multiple Family Residential District

II.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this Ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place, and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

READ, PASSED, and ADOPTED on first reading this the 1st day of February 2022.

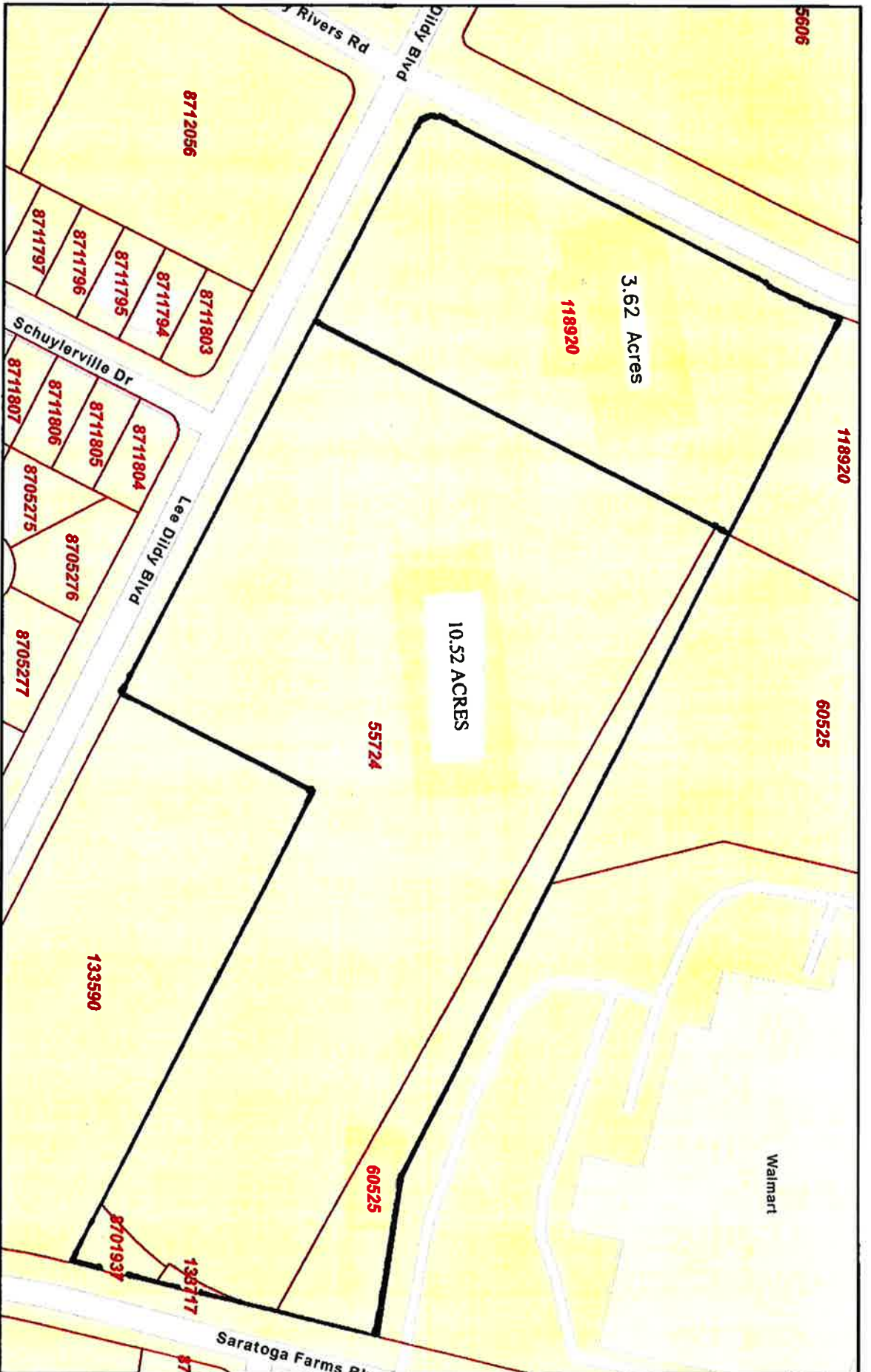
Ron M. Ramirez, Mayor

ATTEST:

Amelia Sanchez, City Secretary

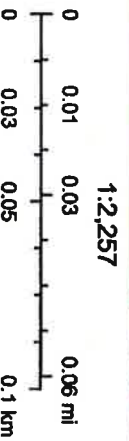
Exhibit "A"

Bastrop CAD Web Map



11/16/2021, 8:03:34 AM

Parcels



Attachment 3

Staff Added Comprehensive Plan Exhibits



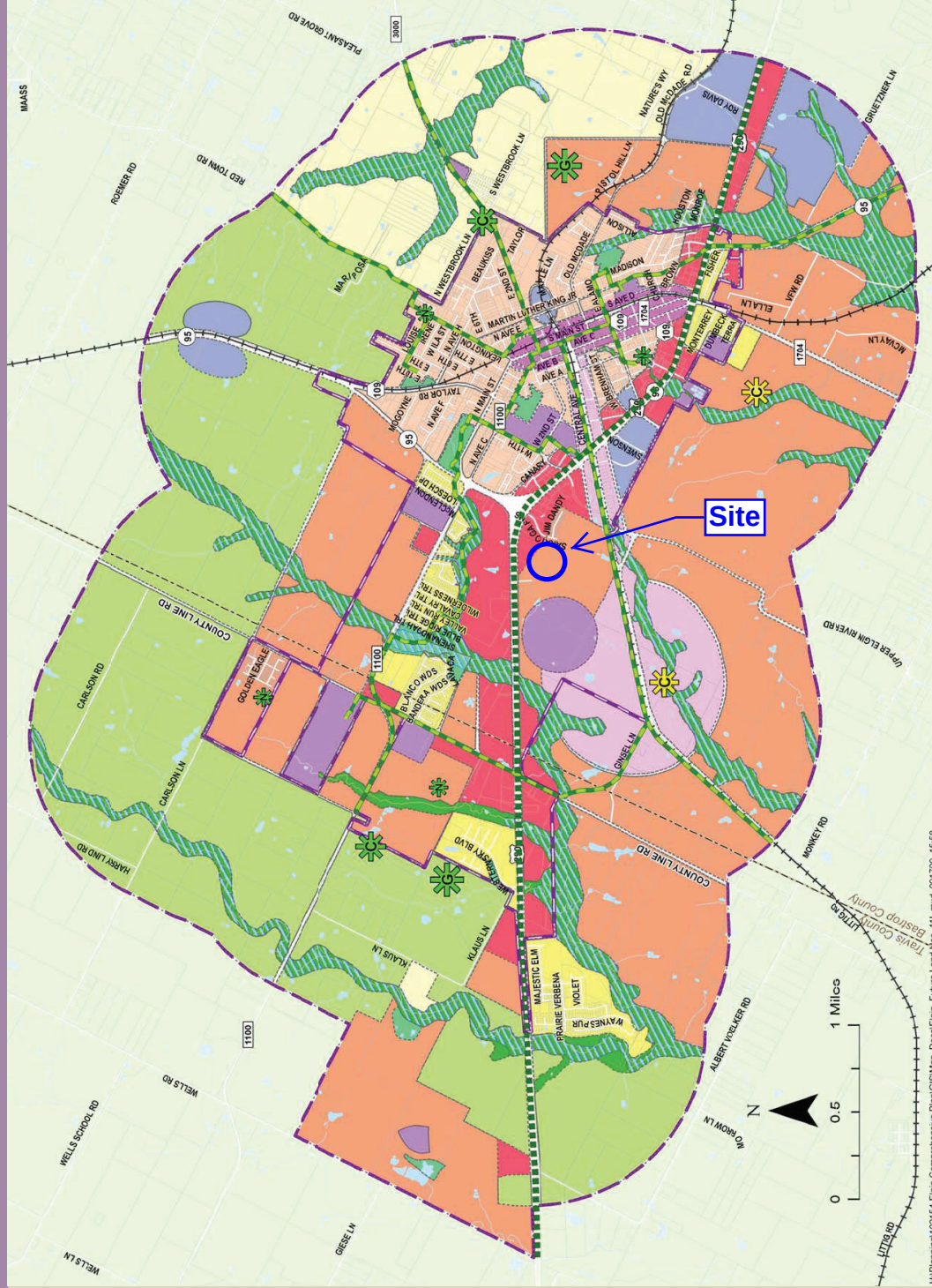
Exhibit 4.4: Future Land Use and Development Plan

- Parcel Boundary
- Elgin City Limits
- Elgin Planning Area

Future Land Use

- Natural Area
- Agriculture
- Low Density Residential
- Existing Single-Family Residential
- Traditional Neighborhood Residential
- Central Elgin Neighborhoods
- Mixed Use
- Main Street Elgin
- Commercial
- Light Industrial
- Institutional
- Parks and Recreation
- 100-Year Flood Plain
- Proposed Park from Parks Master Plan
- Proposed Park from WSA
- Proposed Trail from Parks Master Plan
- US 290 Corridor Greenscaping

Note: A Comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.



H:\Planning\102154-Elgin Comprehensive Plan\GIS\Map_Docs\Elgin_Future Land Use_11L.mxd 09/17/09 15:58
Source: Wilbur Smith Associates, Inc., 2009.

Traditional Neighborhood Development

General Description: Traditional Neighborhood Development (TND) is intended to bring the character and form of Elgin's older neighborhoods (the Central Elgin Neighborhood category) to newly developing areas of the community. Key characteristics include a grid pattern of streets with pedestrian and bicycle amenities, homes that have front porches rather than front garages, a compatible mix of housing types and land uses, and high quality landscaping and building materials.

Transect Zone: General Urban (T4)

Primary Land Use: Single Family Residential

Supporting Land Uses: Attached residential (townhomes, rowhouses), small apartment buildings, neighborhood-scale retail and office, schools, parks, and community facilities. Accessory dwellings or "granny flats" are encouraged with appropriate regulations regarding lot coverage, height, and parking.

Residential Densities: Approximately 5 units per acre.

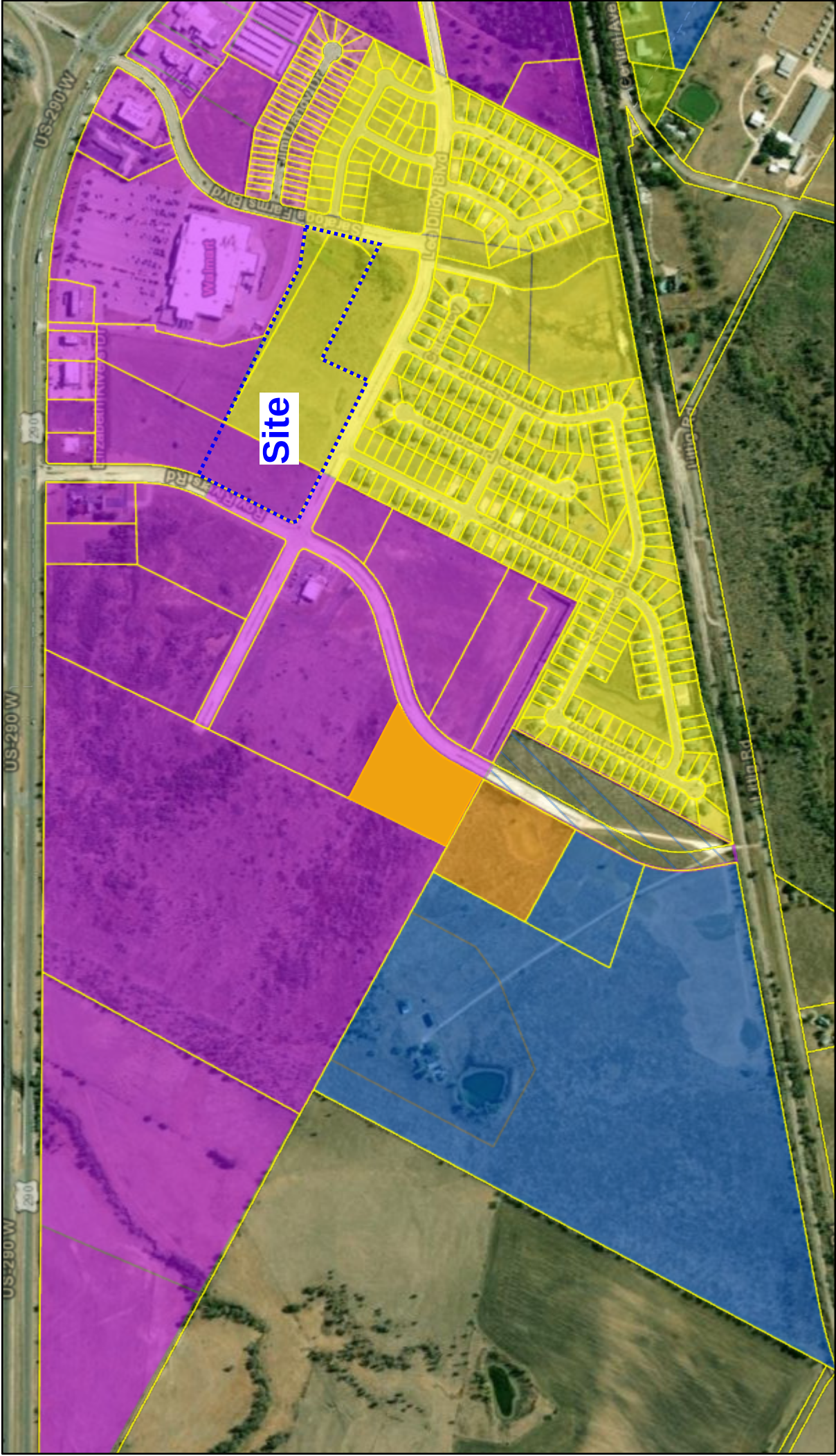
Form and Character: TND areas should be built according to a traditional grid or modified grid street pattern without the use of cul-de-sacs to promote connectivity and walkability. Homes should address the street directly with garages placed to the side or preferably the rear of the home with access from an alley or lane. Front porches should be incorporated into most homes to promote community and neighborly interaction. Buildings are typically two to three stories tall with shallow to medium setbacks that allow landscaping, while also maintaining a close connection to the street and sidewalk. Lot and home sizes vary to offer a wider range of housing choice and affordability than is typically provided in conventional subdivisions. High quality building materials and landscaping should be used to enhance the overall character of development.

Parks and Open Space: Neighborhood parks should be interspersed regularly to ensure all residents have access to park space. Smaller pocket parks, playgrounds, and greens may also be provided. Sidewalks and bike trails should provide connections to parks and playgrounds within or outside of the neighborhood. Floodplains and existing vegetated areas should be preserved and incorporated into neighborhoods as open space amenities and natural buffers from surrounding development. However, floodplains should not be used to meet the active recreation needs of the community because construction of park facilities is limited in these areas.



Attachment 4
Staff Added Zoning Map

Zoning Map



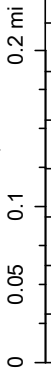
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Bastrop Parcels July 2021

Zoning

- A - Multiple Family Residential District
- C3 - Highway Commercial District
- I - General Industrial District
- I, C3 - Highway Commercial/General Industrial District
- R1 - Single Family
- R2 - Single Family & Garage Apartment District

1:9,028



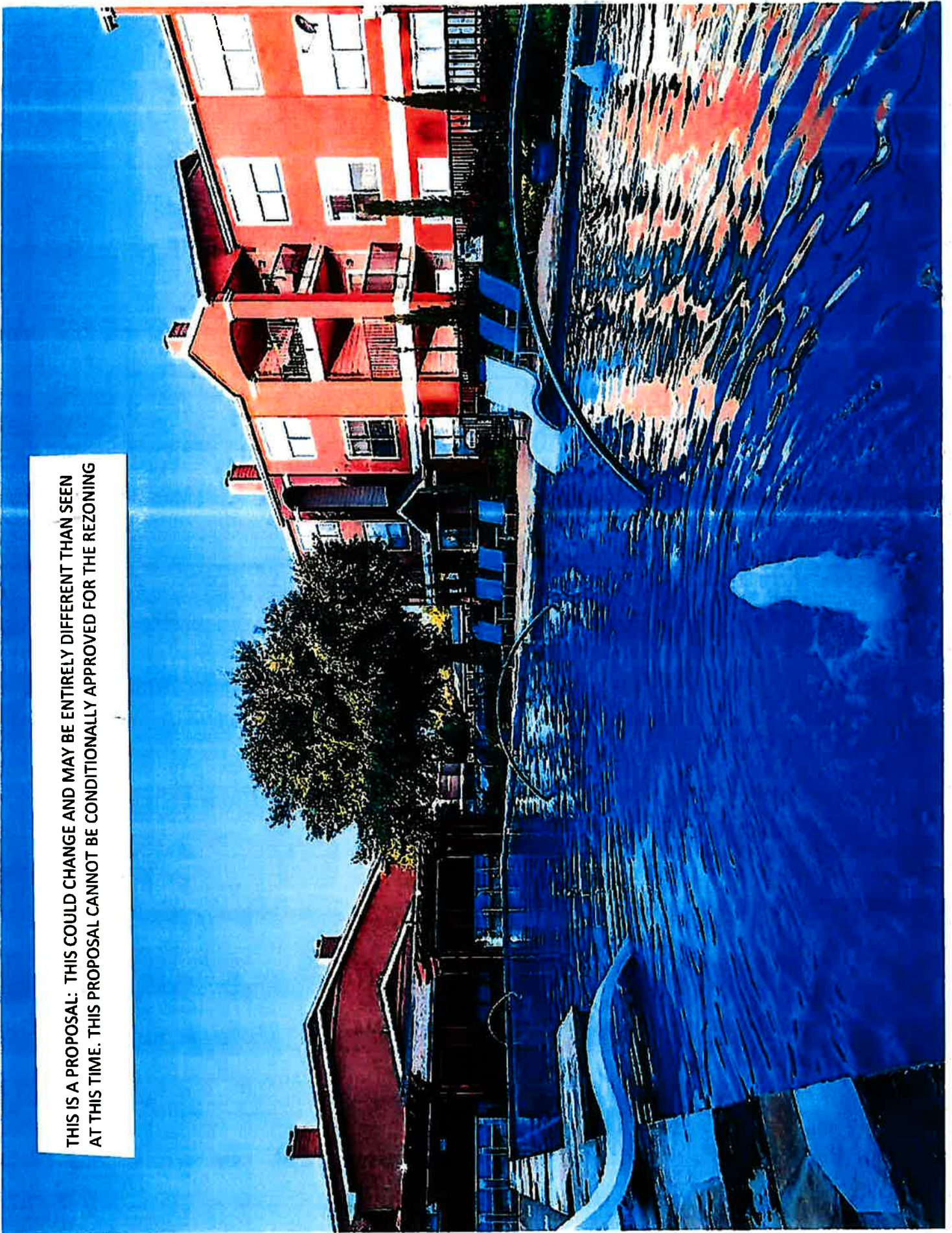
Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

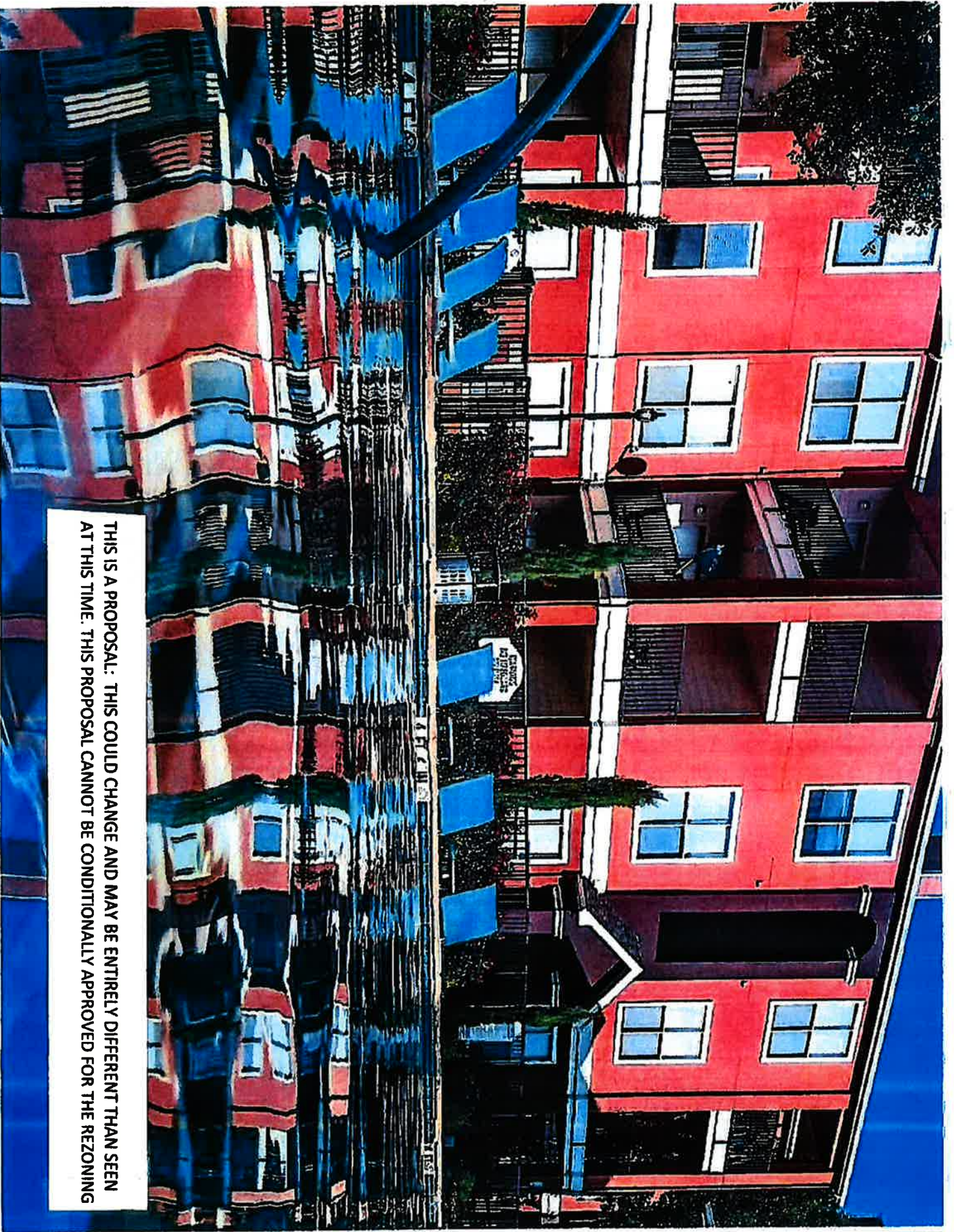
Attachment 5
Applicant Proposed
Development Plan



THIS IS A PROPOSAL: THIS COULD CHANGE AND MAY BE ENTIRELY DIFFERENT THAN SEEN AT THIS TIME. THIS PROPOSAL CANNOT BE CONDITIONALLY APPROVED FOR THE REZONING

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Development Services Department

STAFF REPORT

Modification to Sec. 46-635, (Zoning) City Code.

Date: December 17, 2021

Hearing Dates: Planning & Zoning Commission – January 24, 2022
City Council – February 1, 2022.

REQUEST SUMMARY

City Staff is requesting a modification to enlarge the no parking minimum and maximum six (6) parking spaces in the downtown area. The purpose of the modification is to relax parking standards on areas that cannot add parking spaces to the site due to the size and location of existing buildings on the individual lots. When a new Use goes onto a lot it is required to provide on-site minimum parking, even if it doesn't have the area to place new parking spaces.

In those circumstances the applicant must file a zoning variance with the City and await a decision by the Board of Adjustment (BOA) to reduce the minimum parking standards to what is necessary to accommodate the proposed new Use. This decision may take up to sixty (60) calendar days due to legal noticing requirements for the zoning variance and scheduling of the BOA meeting. This regulatory requirement is a burden on a business owner who must potentially delay opening a new business in our downtown area. The most efficient way to address the issues is to relax parking standards in this area.

Originally the Council approved a Code change on February 4, 2020, to relax onsite minimum parking within the Downtown Historic District. However, there are areas outside of the Downtown Historic District that are affected by the inability to provide minimum parking. This Code change simply expands this area. A map has been provided within attachment 2 which shows the current area (in blue) and the added areas (in green).

ATTACHMENT(S)

Additional information is provided through attached exhibit(s).

1. Proposed Ordinance.
2. Existing & Proposed Map Showing Parking Areas.

Attachment 1
Proposed Ordinance

ORDINANCE NO. 2022-02-01-??

AN ORDINANCE AMENDING CHAPTER 46 ZONING, ARTICLE V SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 5 OFF-STREET AUTOMOBILE AND VEHICLE PARKING AND LOADING, CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, BY ELIMINATING MINIMUM PARKING REQUIREMENTS AND SETTING MAXIMUM PARKING REQUIREMENTS IN CERTAIN AREAS OF THE CITY; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS:

I.

That Chapter 46, Article V, Division 5, Section 46-635 Code of Ordinances, City of Elgin, Texas, is hereby amended, which shall read as follows:

Sec. 46-635. Amount of off-street parking and loading required.

- (a) Off-street parking and loading facilities shall be provided in all zoning districts, except within the Downtown Historic District, in accordance with the following schedule:
 - (1) Dwelling, single-family or two-family: Two parking spaces for each separate dwelling unit within the structure.
 - (2) Dwelling, multiple family: Two parking spaces shall be provided upon the lot for each dwelling unit. No parking shall be permitted in the required front yard. No parking shall be allowed within four feet of any building, nor closer than two feet to the side yard lines. No parking space shall be used for storage of any trucks, truck-trailer or van, except panel and pickup trucks not exceeding one-ton capacity and boat and travel trailers may be parked in a required parking space when the operator or owner of such vehicle resides upon the premises. All parking spaces shall be so arranged as to permit vehicles to be parked and removed without moving one car to facilitate the movement of the other. All parking areas shall be paved according to the city's standard specifications. Travel trailers, recreational vehicles and other trailers as defined in this section shall not exceed eight feet in width or 40 feet in length. At no time shall any such vehicle, recreational vehicle, motor home or trailer be parked so as to block a sidewalk.
 - (3) Boardinghouse, rooming house, tourist home, bed and breakfast or hotel: One parking space for each two guests provided overnight accommodations.
 - (4) Hospitals: One space for each four patient beds, exclusive of bassinets, plus one space for each staff or visiting doctor, plus one space for each three employees including nurses, plus adequate area for the parking of emergency vehicles.
 - (5) Medical or dental clinics or offices: Six spaces per doctor plus one space for each two employees.
 - (6) Sanatoriums, convalescent, or nursing homes: One space for each six patient beds, plus one space for each staff or visiting doctor plus one space for each two employees including nurses.
 - (7) Community center, theater, auditorium, church sanctuary: One parking space for each four seats, based on maximum seating capacity.

- (8) Convention hall, lodge, club, library, museum, place of amusement or recreations: One parking space for each 50 square feet of floor area used for assembly or recreation in the building.
- (9) Office building: One parking space for each 300 square feet of gross floor area in the building, exclusive of the area used for storage, utilities and building service.
- (10) Restaurants, cafes, dinners, clubs, bars and other establishments which provide tables and/or bar seating: One parking space for each four seats and one space for each two employees.
- (11) Commercial establishments not otherwise classified: One parking space for each 150 square feet of floor space used for retail trade in the building and including all areas used by the public.
- (12) Industrial establishments: Adequate area to park all employees and customers' vehicles at all times and adequate space for loading, unloading and storing all vehicles used incidental to or as a part of the primary operation of the establishment.
- (13) Public elementary school and middle school (junior high): One space per 300 square feet of classrooms.
- (14) Private school, primary: One space per 300 square feet of classrooms.
- (15) Private school, secondary: One space per 200 square feet of classrooms.
- (16) Public high school: One space per 200 square feet of classrooms.
- (17) Post-secondary institution: One space for each two residents for dormitories or other residences; one space for each 500 square feet of gymnasium and classrooms; one space for each 300 square feet of administrative and office space.
- (b) For all uses not covered by the uses listed in subsection (a) of this section, the planning and zoning commission shall make a determination of the parking demand to be created by the proposed use, and the amount of parking thus determined shall be the off-street parking requirement for the permitted use.
- (c) Zoning districts-Property located within the Downtown Historic District below map boundaries shall not have any minimum parking requirements or loading zone requirements as denoted in subsection (a) or (b). Any off-street parking constructed voluntarily within the Downtown Historic District below map boundaries shall be limited to a maximum of six (6) parking spaces, this standard shall not be applicable to any government or transit authority created off-street parking spaces. Creation of voluntary on-site loading zones shall also be prohibited within the Downtown Historic District below map boundaries, however this standard shall not be applicable to any government or transit authority created on-site loading zones.

By motion duly made, seconded, and passed with an affirmative vote of all the Council members present, the requirement for reading this ordinance on two separate days was dispensed with.

READ, PASSED, and ADOPTED on first reading this 1st day of February 2022.

Ron M. Ramirez, Mayor

ATTEST:

Jennifer Stubbs, City Secretary

Attachment 2
Existing & Proposed Map
Showing Parking Areas.

Disclaimer: This product is for informational purposes only and has not been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only



Development Services Department

STAFF REPORT

Addition of Ch. 48, City Code regarding Site Development.

Date: January 14, 2022

Hearing Dates: Planning & Zoning Commission – January 19, 20, &
24, 2022
City Council – February 1, 2022

REQUEST SUMMARY

This item was tabled through the October - December 2021 meeting dates. A workshop has been scheduled for January 19 & 20 to thoroughly go through the changes.

City Staff is requesting a new addition to the City Code. This will address site development of lots that are all other uses other than single family and two-family lots. (i.e., development of a large site that are manufactured home, multi-family, commercial, or industrial in nature). Most Texas cities have a separate Code that deals with this type of development; however, we are lacking these standards. As the City continues to develop single family residential subdivisions, there will be more sites that will develop as commercial and industrial. These proposed regulations provide base regulations regarding regulatory authority, application processes, timeframes, and development standards for this new commercial and industrial development.

Most of the regulations within the proposed Site Development Code were pulled from Chapter 36, Subdivision Regulations. Site Development and Subdivision standards are mostly similar concerning base regulations. The language, although pulled from the Subdivision Code, has been changed to reflect a Site Development standard. Anything highlighted in yellow is reflective of newly written Code that was not pulled from the Subdivision Regulations.

ATTACHMENT(S)

Additional information is provided through attached exhibit(s).

1. Proposed Ordinance with Exhibit “A”.

ORDINANCE NO. 2022-02-01-??

AN ORDINANCE ADDING CHAPTER 48 SITE DEVELOPMENT, REVISED CODE OF ORDINANCES, CITY OF ELGIN, TEXAS 2013 REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR A SAVINGS CLAUSE.

WHEREAS, the City Council of Elgin, Texas (“City Council”) desires to add certain regulations regarding site development; and

WHEREAS, City staff has determined that the proposed amendments provide consistency with other sections of the Code; and

WHEREAS, City staff has posted proper notice and conducted public hearings in accordance with state law; and

WHEREAS, City Council finds that the proposed amendments are in the best interests of the City and its residents.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ELGIN, TEXAS:

I.

That Chapter 48, Revised Code of Ordinances, City of Elgin, Texas, is hereby added as shown in Exhibit “A”.

II.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this Ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place, and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

READ, PASSED, and ADOPTED on first (1st) reading this the **1st** day of **February** 2022.

Ron M. Ramirez, Mayor

ATTEST:

Jennifer Stubbs, City Secretary

EXHIBIT “A”

CHAPTER 48 – SITE DEVELOPMENTS

ARTICLE I. – IN GENERAL

Sec. 48-1. – Authority.

- (a) This Article is adopted under the authority of the state Constitution and laws and any other authority provided by law, or as such statutes may be amended.
- (b) Regulation of the development of the land and the attachment of reasonable conditions to development of the land is an exercise of valid police power delegated by the state to the city.

Sec. 48-2. – Purpose and Intent.

- (a) The purpose of these regulations is to provide for orderly, safe, and healthful development to promote the health, safety, and general welfare of the community.
- (b) The system of improvements on a site, water and wastewater services, other utilities, drainage, public facilities, and community amenities determines in large measure the quality of life enjoyed by the residents of the community. Health, safety, economy, amenities, environmental sensitivity, and convenience are all factors which influence and determine a community's quality of life and character. A community's quality of life is of public interest. Consequently, the development of land, as it affects a community's quality of life, is an activity whose regulation is a valid function of municipal government.
- (c) These regulations are designed and intended to achieve the following purposes, and shall be administered to:
 - (1) To establish rules and procedures for the orderly planning and development of commercial sites and residential sites involving more than two (2) dwelling units in a building;
 - (2) To provide for a permit separate and distinct from the building permit so that site issues such as drainage, landscaping, lighting, traffic control, driveways, streets, access, utilities, and internal circulation may be resolved;
 - (3) Harmoniously relate the development of the various sites to the existing community and facilitate the future development of adjoining tracts;
 - (4) Provide that the cost of improvements to minimum standards which primarily benefit the tract of land being developed be borne by the owner or developers of the tract, and that the cost of improvements to minimum standards which primarily benefit the whole community be borne by the whole community;
 - (5) Provide the most attractive relationship between the land as developed and the circulation of traffic throughout the site and area, having regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the proposed development, and to provide for the proper location and width of streets, driveways, and building lines;

EXHIBIT “A”

- (6) Prevent pollution of the air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard both surface and groundwater supplies; and to encourage the wise use and management of natural resources throughout the municipality to preserve the integrity, stability, and beauty of the community and the value of the land;
 - (7) Preserve the natural beauty and topography of the municipality and ensure appropriate development regarding these natural features;
 - (8) Establish adequate and accurate records of land development;
 - (9) Ensure that public or private facilities are available and will have a sufficient capacity to serve proposed development;
 - (10) Standardize the procedure and requirements for developing property and submitting plans for review and approval;
 - (11) Protect and provide for the public health, safety and general welfare of the community;
 - (12) Protect the character and the social and economic stability of all parts of the community and encourage the orderly and beneficial development of all parts of the community;
 - (13) Protect and conserve the value of land throughout the community and the value of buildings and improvements upon the land;
 - (14) Guide public and private policy and action in providing adequate and efficient transportation systems, public utilities, and other public amenities and facilities;
 - (15) Encourage the development of a stable, prospering economic environment; and
 - (16) To provide city staff with procedures for the review and approval of site development.
- (e) Site development should be of a quality to carry out the purpose and spirit of the policies expressed in the Comprehensive Plan and in this Ordinance.

Sec. 48-3. – Jurisdiction.

- (a) All land located within the corporate limits of the city.
- (b) Within the extraterritorial jurisdiction as permitted by State law or which has been approved by the Council through an agreement not prohibited by State law.

Sec. 48-4. – Definitions.

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning. Words not defined in this Section shall have the meaning prescribed in Merriam Webster's Collegiate Dictionary, Eleventh (11th) Edition. Words used in the present tense include the future tense. Words used in the plural number include the singular, and words in the singular include the plural. The word “shall” is always mandatory. The word “may” is optional. The word “herein” means in this Ordinance. The word “regulations” means the provisions of any applicable ordinance, rule, regulation, or policy. The word “person” means any human being or legal entity

EXHIBIT “A”

and includes a corporation, a partnership, and an incorporated or unincorporated association. The words “used or occupied” as applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied.

Abutting: Adjacent; joining at a boundary.

Access: Means a way of approaching or entering a property.

Administrator: See *Site Development Administrator*.

Alley: Means a minor right-of-way, dedicated to public use, which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

Applicant: Means a person applying for application approval under this Chapter.

As-builts: Means a set of certified construction plans specifying how the public improvements required for the site development application were constructed. These must be sealed by a professional engineer registered in this State.

Building: Means any structure intended for shelter, housing or enclosure for persons, animals, or chattel.

Building official: The person or entity designated by the city or appointed to perform the duties and responsibilities set forth in Chapter 6, City Code.

Building permit: Means a permit issued by the City which is required prior to commencing construction, “finish-out,” or reconstruction or modification of a structure.

Building setback line: A line beyond which a building must be set back from the property line in accordance with the zoning code.

Buffer zone: Means a vegetated area adjacent to a creek, river, or natural drainageway.

Business days: The number of City working days specified, excluding Saturday, Sunday, a legal City holiday, and days where the City Hall has been ordered closed by the City Manager, Mayor, or City Council.

Calendar days: The number of days specified in a yearly calendar, unless the last day falls on Saturday, Sunday, legal City holiday, or days where the City Hall has been ordered closed by the City Manager, Mayor, or City Council.

Caliper: Means the diameter of a tree measured at diameter breast height (dbh).

Certificate of completion: Documentation provided by the applicant’s State licensed engineer certifying the development has been built in accordance with the approved as-builts plans.

Certificate of occupancy: A written certificate issued by the building official authorizing use and occupancy of a structure upon the satisfactory completion of any work or operations authorized by the city’s building permit or other permit or same in occupancy.

City: Means the City of Elgin, Texas.

City limits: See *Corporate Limits*

EXHIBIT “A”

City engineer: Means a duly qualified and licensed engineer under the provisions of the Texas Engineering Registration Act hired by the city to plan review and inspect items within the Chapter. In the event the city does not have an engineer, his duties herein shall be performed by the Administrator with recommendations of consulting engineers as needed.

Comprehensive plan: Means the overall development plan for the community which has been officially adopted by Council and updated from time to time to provide long-range development policies including all specified individual elements thereof.

(City) construction standards: Means a library of City-approved drawings and technical data representing typical drainage, transportation, erosion and sedimentation control, utility appurtenances, and other items to be constructed for City approval within a development.

Contiguous: Means adjacent property whose property lines are shared or are separated by only an access strip, street, alley, easement, or right-of-way.

Corporate limits: Means within the incorporated boundaries of the City.

Council: The City Council of the City.

County: Means, with respect to land located in Bastrop County, Bastrop County, Texas; and, with respect to land located within Travis County, Travis County, Texas; and, with respect to land located within Williamson County, Williamson County, Texas.

Dedication: Means the grant of an interest in property for public use.

Design storm: Means a probable rainfall event the frequency of which is specified in periods of years and which is used to design drainage facilities and determine flood elevations.

Department: Shall mean the City Development Services Department.

Developer: An individual, partnership, corporation, or governmental entity undertaking the improvement of land and other activities covered by this Article.

Development: Any manmade change in improved and unimproved real estate, including but not limited to buildings, utilities, access, roads or other structures, mining, dredging, filling, grading, clearing or removing vegetation, paving, deposit of refuse, deposit of waste, deposit of fill, or excavation for the purpose of constructing permanent structures on the real estate; development does not include lawn and yard care, including mowing of tall weeds and grass, gardening, tree care and maintenance, removal of trees or other vegetation damaged by natural forces, and ranching and farming shall not constitute development. Utility, drainage, and street repair, and any construction maintenance and installation which does not require land disturbance or result in additional impervious cover shall also not constitute development.

Development agreement: A voluntary contract between the City and a person who owns or controls property, detailing the obligations of both parties and specifying the standards and conditions that will govern development of the property.

Development density: Means the number of dwelling units per acre.

Development review committee (DRC): It is comprised of City staff members representing the various City departments and approved City third-party entities involved in the review and approval process for items in this Chapter.

EXHIBIT “A”

Diameter breast height (DBH): the area where a tree is at four and one-half (4½) feet above ground level; measurements shall be taken in inches. If the tree is a single trunk it is measured at DBH. If the tree splits into multiple trunks at DBH, each trunk is measured at the DBH for an amalgamated total. Any fractional numbers shall be dropped from the measurement.

Director (as denoted within the parkland standards): The Parks and Recreation Director

Drive aisle: a vehicle passageway or maneuvering space by which vehicles enter and depart parking stalls and/or move between developments.

Driveway: means any vehicular driving surface connecting a drive approach.

Driveway Approach: means a paved surface connecting the street to a front lot line.

Dwelling, single family: Means a detached or attached dwelling unit designed to be occupied by one family on one (1) lot, this definition shall include townhomes and patio homes. This definition shall not include condominiums.

Dwelling, two-family: Means attached dwelling units in one (1) building designed to be occupied by two (2) families living independently of each other on one (1) lot.

Dwelling, multiple family: Means three (3) or more attached dwelling units in one (1) building designed to be occupied by three (3) or more families living independently of each other on one (1) lot.

Dwelling unit: A unit providing complete, independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Easement: A grant of one (1) or more of the property rights by the property owner to and/or for the use by the public, corporation, or another person or entity.

Engineer: A person duly authorized under the provisions of the Texas Engineering Registration Act, as heretofore or hereafter amended, to practice the profession of engineering

Environment: Means the aggregate of social and physical conditions that influence the life of the individual and/or community.

Extraterritorial jurisdiction (ETJ): Means territory outside the corporate limits which is within the extraterritorial jurisdiction of the City as defined by State Statute, or which is subject to the City's authority due to an agreement with another municipality or property owner.

Fence: A physical barrier or enclosure consisting of wood, stone, brick, block, wire, metal, or similar material used as a boundary or means of protection or confinement, but not including a hedge or other vegetation

Filing date: Means the date that site development application is determined to be complete and are accepted for review by the City.

Frontage: Means the width of a lot or parcel abutting a public right-of-way measured at the property line.

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation or runoff of surface waters from any source.

EXHIBIT “A”

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

Grade: Means the slope of a road, street, other public way or utility line specified in terms of percent (%); the topographic relief of a parcel of land; the average elevation at ground level of the buildable area of a lot or parcel of land.

Grading: Means any stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition.

Hardscape: The nonliving elements used in landscape, i.e., decorative walls, ledges, fountains, sculpture, stone paths.

Holding costs (as denoted in the parkland standards): Means all costs incidental to the respective tract of land borne by the respective landowner.

Improvements: Means any street, driveway, parking lot, alley, roadway, barricade, sidewalk, bikeway, pedestrian way, utilities, storm drainage network, parkland, landscaping, or other facility or portion thereof for which people will use and/or is necessary for the operation of the development.

Impervious cover: Means construction limiting the absorption of water by covering the natural land surface; this shall include, but not be limited to, all streets and pavement within the development.

Irrigation specialist: Means a duly qualified and licensed irrigation specialist under the provisions of State law who designs and maintains irrigation systems for vegetative environments.

Landscaping: Consists primarily of existing and introduced vegetation, as well as other related improvements to a lot including, but not limited to, forming and berming, irrigation systems, hardscape, landscape subsurface drainage systems, site furnishings, and nonstructural retaining walls.

Landscape architect: Means a duly qualified and licensed landscape architect under the provisions of State law who designs and maintains outdoor vegetative environments.

Living unit equivalent (LUE): An LUE is the typical flow that would be produced by a single-family residence.

Lot: A parcel of real property shown as a distinct and separate parcel on a plat, record of survey, parcel map, or subdivision map recorded in the office of the County Clerk; or a parcel of real property exempted from the requirement to plat under zoning or subdivision regulations.

Lot line: A line of record bounding a lot which divides one (1) lot from another lot or from a public or private street, right-of-way, or any other public space.

Major site development application: See *Site development application, major*.

Minor site development application: See *Site development application, minor*.

EXHIBIT “A”

Mixed Use: Means development on a lot consisting of both residential and non-residential uses together. This term does not differentiate between vertical mixed uses in a building or horizontal mixed uses on a lot.

Non-residential: All development not meeting the definitions of Dwelling, single family; Dwelling, two-family, or Dwelling, multiple family in this Section.

Official county records: Means, with respect to land located in Bastrop County, the Official Records of Bastrop County, Texas; and, with respect to land located within Travis County, the Official Records of Travis County, Texas; and, with respect to land located within Williamson County, the Official Records of Williamson County, Texas.

Off-site improvements: Means any required improvement which lies outside of the property being developed.

One hundred (100) year floodplain: Means that flood which has a probability of occurring once in a one hundred (100) year period or a one percent (1%) chance in any given year.

Patio home: A single-family dwelling on a separate lot with open space setbacks on three sides and a zero-lot line on one side.

Person: Any individual, association, firm, corporation, governmental agency, political subdivision, or other legal entity.

Plat: A map representing a tract of land, showing the boundaries and location of individual properties and streets in accordance with Chapter 212, Texas Local Government Code (TLGC), as amended.

Platted: See *Plat*.

Pre-construction meeting: A meeting between a developer, a developer's representatives, and the City held after approval of the construction plans for the purposes of exchanging information and identifying potential problems with the schedule and process of a proposed development.

Reciprocal access: Refers to connectivity between contiguous nonresidential or multifamily properties to allow for the connection of or access to drive lanes, fire lanes, driveways, or parking lots between such properties.

Residential: Refers to a lot where only *dwelling, multiple units* exist on the lot.

Retaining wall: A retaining wall is a structure that holds or retains soil behind it.

Site development administrator: The City Manager or the person designated by the City Manager to administer the regulations and provisions of this Chapter.

Site development application: Means the application, and any applicable drawings, plans, and specifications indicating the proposed location and design of improvements to be installed as site improvements. They shall be sealed by a professional engineer, landscape architect, or other professional, as necessary.

EXHIBIT “A”

Site development application, major: Project not meeting the definition of *Site development application, minor*.

Site development application, minor: Projects subject to this application which meet the following standards:

- (a) Development that does not significantly affect runoff quantities and drainage patterns to the satisfaction of the City Engineer, or
- (b) Does not relocate buildings by more than 25 horizontal feet, or
- (c) Does not add more than 1,000 square feet of impervious coverage, or
- (d) Construction of a fence or retaining wall that may obstruct or change the flow of water, or
- (e) Installation and modification of utilities and their associated facilities when this is the only proposed improvement(s), or
- (f) Installation and modification of landscaping plan or irrigation plan and their associated facilities when this is the only proposed improvement(s), or.
- (g) Relocation of any approved building square footages or parking areas due to the exercise of the power of eminent domain by the City.
- (h) Any error of measurements, acreage, dimensions, or other similar situation.
- (i) Any other minor site activity like those listed above as approved by the Administrator.

State: Means the State of Texas.

State Health Department: Means the Texas State Department of Health.

Street: Means any public or private right-of-way which affords the primary means of vehicular access to abutting property.

Street, arterial: Primarily provides circulation which continues, or is intended to continue, across the city and which serves to connect remote parts of the city and other municipalities. These may also be a principal connecting street with State or federal highways. These may be further sub-classified into major and minor.

Street, collector: Primarily provides circulation within neighborhoods, to carry traffic from local streets to arterial streets, or to carry traffic through or adjacent to commercial or industrial areas. These may be further sub-classified into major and minor.

Street, local: Primarily provides for access to abutting residential property. A local street does not include roadways that carry through traffic, but will generally be intersected frequently by *Street, collectors*.

Street, width: That distance within street right-of-way (ROW).

Structure: Means anything constructed or erected, the use of which requires location on the ground or which is attached to something having a location on the ground.

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Surveyor: A licensed State Land Surveyor or a Registered Public Surveyor, as authorized by State statute to practice the profession of surveying.

Townhome: A single-family attached dwelling with three (3) to no more than six (6) units, with each single unit extending from the ground to the roof and with each unit having individual outside access.

Traffic impact analysis (TIA): A study that provides information on the projected traffic generated by a proposed development, assesses the effect of the proposed development on a roadway(s) near the development, identifies a potential traffic operational problem(s) or concern(s) and recommends solutions/actions to address the problems/concerns and assesses the potential vehicular trips generated by other undeveloped sites in the established study boundary. These shall incorporate approvals from the necessary jurisdictions of connecting roadways (i.e. private roadway owner, City, neighboring City as applicable, County and State).

Tree: means any self-supporting woody plant species.

Tree, dripline: A point on the ground where water will drip off the widest-reaching branches of a tree.

Tree, heritage: Native tree(s), as defined by Texas A&M Forest Service, which are a minimum of twenty (20) caliper inches and greater. This shall not include any noxious or invasive species as defined by the State or any non-native species.

Tree, protection zone: A zone established around a tree whereby no construction, trimming, or fill activity can occur. This zone is a measurement from the diameter breast height of a tree trunk to the furthest drip line which forms a concentric circle around the tree based on this measurement (i.e. the furthest measurement from a trunk to drip line is twenty-five (25) feet, therefore a twenty-five (25) foot concentric circle from the trunk will be shown).

Tree, significant: Native tree(s), as defined by Texas A&M Forest Service, which are a minimum of ten (10) caliper inches to a maximum of nineteen (19) caliper inches. This shall not include any noxious or invasive species as defined by the State or any non-native species.

Tree, survey: means a scaled drawing accurately showing the location, caliper, and tree protection zone of trees in relation to the property boundaries.

Sec. 48-5 – Fees.

- (a) *Fees mandatory.* Fees shall be collected by the City at the time of the filing of an application and throughout the application process as described in this Article. No action shall be valid until such fees are paid.
- (b) *Refunding of fees.* No filing fees shall be refunded because any application is later withdrawn or disapproved. This shall not apply to any sidewalk-in-lieu fees or other similar fees.
- (c) The fees to be charged shall be established in the City's fee ordinance.

ARTICLE II. – APPLICATION STANDARDS

Sec. 48-6 – Application of Chapter.

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- (a) *Compliance required.* Any person who develops or causes to be developed a lot shall comply with this Chapter, unless otherwise exempted.
- (b) *Conflict of code provisions within Chapter.* If any provision of this Chapter conflicts with any other provision in this Chapter or any other provision in the code of ordinances, the most strict or restrictive provision shall apply. If a provision in this Chapter is not more restrictive but is different from any provision in this Chapter or the code of ordinances, the Administrator shall determine what provision should be followed.
- (c) *Conflict of code provisions with private restrictions.* This Chapter is not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern.
- (d) *No approval of site development plan unless lot has been platted; exemptions.* A property must either be platted or exempt from platting before a site development plan shall be approved by the City.
- (e) *Lot to be developed in accordance with approved plan.* A lot for which a site development plan has been approved shall be developed in compliance with the approved site development plan.
- (f) *No issuance of building permits unless site development plans approved.* No building permit shall be issued for the construction of any building on a lot, unless site development plans have been approved by the City on that same lot.
- (g) *No issuance of a certificate of occupancy unless as-builts approved.* No Certificate of Occupancy for a building permit shall be issued unless as-builts are approved by the City and appropriate non-City entities.
- (h) *Site construction before site development plan approval prohibited, certain exceptions.* No construction shall take place before the site development plan has been approved by the City. In certain circumstances the City may approve early land clearing and grading associated with the project independent from the full approval at the City's discretion. The applicant assumes full risk associated with this early approval.
- (i) *Invalidation clause from court of competent jurisdiction.* If any provision of this chapter or the application of any provision to any person or circumstance is held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

Sec. 48-7. – Exceptions.

- (a) *Certain Land Uses.* Any lot in which development consists of a dwelling single family, or dwelling two family, or an accessory building to any such structure.
- (b) *Alteration or finish out of buildings in certain circumstances.* Alteration or finish-out of an existing building when the alteration or finish-out does not increase the square footage of the building or change the building footprint if the following applies:

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- (1) The use does not change, or if the use changes, the new use does not require more parking than is currently existing on the lot and no additional parking spaces, aisles or driveways are proposed; and
 - (2) The alteration, finish-out or change of use follows all applicable codes and regulations of the city; and
 - (3) The proposal does not increase the degree of any existing nonconforming use or nonconforming structure.
- (c) *Certain fences and retaining walls, exception of city engineer.* Construction of a fence or retaining wall, but no exception is granted by this subsection for construction of a retaining wall or for a fence that may obstruct or change the flow of water.
- (d) *Restoration of building in certain timeframe.* Substantial restoration that is commenced within a period of one (1) year of a building damaged by war, wind, fire, volcano, explosion, hurricane, earthquake, flood, tornado, riot, or similar act of god.
- (e) *As allowed by City:* Any improvements deemed as not meriting review through the Site Development Application process by the City, which improvements can be addressed through another means of permitting. If that permitting is necessary in accordance with established regulations.

ARTICLE III. – ENFORCEMENT & APPLICANT RESPONSABILITIES

Sec. 48-8 – Enforcement of Regulations.

- (a) *Code violation.* It is a violation of this code to construct on a lot without complying with the requirements of this Chapter.
- (b) *Parties liable for violations.* If a corporation is found to be in violation of this chapter, each of its officers, agents, and/or employees who were in any way responsible for such violation shall be individually and severally liable for penalties herein prescribed.
- (c) *Criminal penalty by court.* Any individual who intentionally, knowingly, recklessly, or criminally negligently violates any provision of this Chapter, is guilty of a class C misdemeanor and upon conviction shall be subject to a fine of not less than \$1.00 and not more than \$2,000.00. Each day of such violation may constitute a separate offense. Such penalty is cumulative and not exclusive of any other rights or remedies the City may have.
- (d) *Civil penalty by court.* In addition to the criminal penalties set out above, the City may institute a civil action, in law and or equity, in a court of competent jurisdiction against any individual who violates any provision of this Chapter; and the City may seek such equitable relief or monetary relieve that may be available under the statutes, common law, and constitutions of the State and federal governments.
- (e) *Other means of compliance.* In addition to the remedies set forth above, the City may enforce compliance with the requirements of this chapter by:
 - (1) Refusing to approve improvements;

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- (2) Withholding or suspending building permits or certificates of occupancy;
- (3) Not allowing connection to or disconnection of utility service; or
- (4) Issuing a stop work order.

Sec. 48-9 – Responsibility of Applicant.

Notwithstanding the approval of any item in this Chapter by the City, the developer and the professional that prepares and submits such items shall be and remain responsible for the adequacy of the design and nothing in this Chapter shall be deemed or construed to relieve or waive the responsibility of the developer or his/her engineer for or with respect to any item submitted in accordance with this Chapter.

Sec. 48-10 – Applicant to retain certain professionals.

- (a) *Responsibilities of engineer.* The applicant shall retain the services of an engineer, registered in the State, whose seal shall be placed on each sheet of the drawings, or cover sheet of studies, unless denoted below in subsection (b) -(d), and who shall be responsible for the design and inspection of the drainage, roads and streets, and sewer and water facilities within the subdivision. The services performed by the engineer shall be as designated in the most recent addition of the "Manual of Professional Practice - General Engineering Service," published by the state society of professional engineers, and shall include both design and inspection as defined therein.
- (b) *Responsibilities of landscape architect.* The applicant shall retain the services of a landscape architect, registered in the State, whose seal shall be placed on each sheet involving tree surveys, tree preservation, tree mitigation, tree planting, and any schematics of involving tree barriers, staking, root barriers, or any addition of fill within the drip lines of the trees and shall include both design and inspection as defined therein.
- (c) *Responsibilities of irrigation specialist.* The applicant shall retain the services of an irrigation specialist, registered in the State, whose seal shall be placed on each sheet involving irrigation of any preserved or installed trees, shrubs, and sod and shall include both design and inspection as defined therein.
- (d) *Responsibilities of other applicable specialists.* The applicant shall retain the services of other applicable specialist, registered in the State, whose seal shall be placed on each sheet involving items, including but not limited to, photometrics, environmental, hydrology, and fire. It shall also include both design and inspection as defined therein.

Sec. 48-11 – Approval of Site Development Infrastructure.

Approval of the site development infrastructure occurs only when the as-builts have been approved by the City, other applicable non-City entities, and a Certificate of Completion has been submitted by the project State licensed engineer. Signature of the document by the City and any other applicable non-City entities, along with the Certificate of Completion, constitutes completion and approval of the infrastructure.

Secs. 48-12 – 48-29. - Reserved.

ARTICLE IV. - PROCESSING PROCEDURE

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Sec. 48-30 – Pre application meeting.

- (a) *Required meeting.* A pre-application meeting is required prior to the submittal of the site development plan application, unless otherwise waived by the City.
- (b) *Recommended attendees.* Attendance should include the owner, the applicant, the applicant’s designated engineer, other professionals as required by the applicant, the Site Development Administrator, and any other members of the City staff as may be appropriate.
- (c) *Required items to be brought to meeting.* Plans and documentation must be brought to the meeting. Failure to provide this information or documentation at the time of meeting is grounds for cancelation and rescheduling.

Sec. 48-31 – Application standards.

- (a) *Applications required and determination of official filing date.* Requests for site development shall be sent to the City, in writing, on a form prescribed by the City. A complete application package must be filed with the City. A complete application package is as denoted below:
 - (1) Completion of a required pre-application meeting; and
 - (2) Fully complete and signed application form with the associated application packet; and
 - (3) All other certificates, plans, documents, and instruments required by this Chapter to be submitted with the application packet checklist and application instructions; and
 - (4) All associated filing fees, in accordance with the fee schedule, have been paid.

Sec. 48-32 – Format, Content, Documentation, and Certification of Application and Plans.

See Site Development Application Packet. The applicant is responsible for full completion of the Site Development Application Packet.

Sec. 48-33 – Completeness Review.

- (a) *Timeframe for review.* Once items have been submitted to the City, it shall have fourteen (14) calendar days to review for completeness.
- (b) *Determination of completeness and resubmittal by applicant.* Completeness shall be determined by the City reviewing and verifying items are present in accordance with the Site Development Application Packet. If the City determines the submittal compliant under this review, then it moves to a submittal review. If deemed noncompliant the applicant will be notified in writing of the reasons for noncompliance. This process repeats through subsections (a) and (b) until deemed complete by the City.
- (c) *Completeness review not regarded as official filing of application.* Submittal of the application for a completeness review is not regarded as an official filing of the application

Sec. 48-34 – Submittal Review.

After the application is determined complete through the completeness review it will go through the submittal review. This review is conducted by the Development Review Committee (DRC). Submittals shall be as outlined below:

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- (a) *First submittal.* The DRC shall review the submittal within thirty (30) calendar days of the compliant completeness review and submit comments to the applicant in writing by the end of this timeframe.
- (b) *Response of applicant; no timeframe or expiration of application.* The applicant shall address all individual comments from the DRC and resubmit back to the City. There is no maximum timeframe associated with resubmittal by the applicant. Also, there is no expiration date on the application within this Section.
- (c) *Additional submittals.* Shall follow the process established in subsection (a) and (b) until all DRC comments are addressed by the applicant to the satisfaction of the City.
- (d) *Submittal review determination regarded as official filing of application.* The start of the submittal review process under subsection (a) is regarded as the official filing date of the application.

Sec. 48-35 – DRC Review; Decision Options; Appeals.

- (a) *DRC review requirements.* The DRC shall review the application for consistency with the Comprehensive Plan, City Construction Standards Manual, other public plans, applicable professional manuals, State Statutes, State Administrative Code, City Ordinances, City Code, and then release comments and concerns to the applicant.
- (b) *Decision options.* The DRC shall approve if no other outstanding comments remain from the submittal review and deny if there are outstanding comments remaining from the submittal review.
- (c) *Appeals.* There shall be no appeals from a denial.

Sec. 48-36 – Approval Expiration.

- (a) The approval shall expire two (2) years after approval by the DRC, unless one (1) or more of the following events occur.
 - (1) *When building permits are required.* Building permits are issued prior to the expiration date and construction is commencing and diligently pursued to a certificate of occupancy. For purposes of this section, the term “diligently pursued” shall mean that activity towards completion of building construction as approved by the building permit and does not cease for more than thirty (30) consecutive calendar days and that substantial progress is being made. The Building Official will be responsible for making the determination of whether a building permit is being diligently pursued to completion and substantial progress is being made by the building permit applicant.
 - (2) *When no building permits are required.* When any required site work is commenced and diligently pursued towards a certificate of completion and as-builts. For purposes of this section, the term “diligently pursued” shall mean that activity towards completion of the development as approved and does not cease for more than thirty (30) consecutive calendar days and that substantial progress is being made. The Site Development Administrator will be responsible for making the determination of whether the project is being diligently pursued to completion and substantial progress is being made by the applicant.

Sec. 48-37 - Modification to Approved Plans:

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Any proposed changes to the approved plans shall require a modification to that approved plan. This must be approved by the City. Any modifications to plans may necessitate filing of another application, in which it must be approved before a plan modification can be approved by the City.

Sec. 48-38 - Pre-Construction Meeting.

- (a) *Required meeting.* A pre-construction meeting is required after City approval of site development plans, unless otherwise waived by the City.
- (b) *Attendance at meeting.* Attendance should include the owner, the applicant, the applicant's designated engineer, other professionals as required by the applicant, the Administrator and any other members of the City staff as may be appropriate.
- (c) *Required items at meeting.* Required items to be brought is in accordance with the City's agenda for the meeting. Failure to provide this information at the time of meeting is grounds for cancelation and rescheduling.
- (d) *Required time to construct or another meeting required.* Construction shall begin within ninety (90) days after the pre-construction meeting, if construction has not started within the ninety (90) day period then another preconstruction meeting shall be required prior to construction, unless otherwise waived by the City.

Sec. 48-39 – List of Inspections; Inspection of Improvements.

- (a) *Inspections list and inspections required.* The City shall inspect all necessary improvements to ensure compliance with the approved plans. A list of applicable inspections shall be more fully covered during the pre-construction meeting and through the City's permitting system.
- (b) *Setting up inspections, payment, and timeframes.* An applicant shall contact the City to set up any required inspections and pay any required fees. Any fees must be paid before the City will set up the inspection. The City shall inspect the improvement within three (3) business days of contact to the City.
- (c) *Right of entry and inspection.* The City shall have the right to enter upon the construction site for the purpose of conducting inspections. The City shall conduct inspections of the improvements during construction to ensure general conformity with plans and specifications as accepted. If the City finds upon inspection that any of the improvements have not been constructed in accordance with this Chapter or approved plans, then the applicant shall be responsible for making the necessary changes to ensure compliance.
- (d) *City response to inspection.* The City shall issue written approval or denial of an improvement. If denied a checklist will be created that lists all deficiencies to be corrected. The applicant will be responsible for rescheduling an inspection in accordance with subsection (c).
- (e) *Disclaimer and responsibility of applicant.* It is the responsibility of the applicant to request inspections when construction is complete or nearing completion to ensure that all work is in accordance with the approved site development plans. Inspection by the City, or a failure of the City to inspect construction as required herein, shall not in any way impair or diminish the obligation of the applicant to install improvements in accordance with the approved plan sets, applicable codes, City's Construction Standards Manual, to the standards of the City Engineer, or to the standards of the Site Development Administrator.

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Sec. 48-40 – As-Builts.

- (a) *Required.* After all inspections have been approved by the City, the applicant's State licensed engineer shall provide the As-builts as indicated in Site Development Application Packet.
- (b) *Signatories.* The City Engineer, Site Development Administrator, and other applicable non-City utilities must sign the plans for them to be approved by the City.
- (c) *Certificate of Completion.* To be provided along with the as-builts by the applicants State licensed engineer. This certification shall have the engineer's affixed seal.

Secs. 48-41 – 48-49. - Reserved.

ARTICLE V. – GENERAL DEVELOPMENT REQUIREMENTS AND STANDARDS.

DIVISION 1. – ROADWAY & UTILITY ADEQUACY STANDARDS.

Sec. 48-50. – Purpose and Intent

- (a) An adequate network of collector and arterial streets must support new development within the urban area.
- (b) Collector and arterial streets are an essential component of the City's street network and are necessary to accommodate the continuing growth and development of the City.
- (c) It is necessary and desirable to obtain rights-of-way for off-site, abutting, and internal collector and arterial streets to support new development at the time of planning.
- (d) There must be a rough proportionality between the traffic impacts created by a new development and requirements placed on the property owner to dedicate and improve off-site, abutting, and internal collector and arterial streets to City standards.
- (e) The City desires to assure both that development impacts are mitigated through contributions of collector and arterial street rights-of-ways and improvements and that a development project contribute not more than its fair share of collector and arterial street costs.
- (f) It is the City's intent to institute a procedure to assure that mandatory dedication of collector and arterial street rights-of-ways and construction requirements are proportional to the traffic demands created by a new development.

Sec. 48-51. – Minimum Road Standards

- (a) *Applicability and definition of “adjacent streets”.* All development shall provide for adequate roads to support proposed development through compliance with the following minimum standards governing dedication and improvement of internal and adjacent streets. For purposes of this section, “adjacent streets” shall include streets abutting the proposed development, whether located within the boundaries of another lot or within rights-of-way.

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- (b) *Standards and specifications.* The property owner shall dedicate and improve all required rights-of-way for internal and adjacent arterial and collector streets required by these regulations.
- (c) *Substandard street improvements.* Where an existing arterial or collector street does not meet the city's right-of-way or design standards abuts a proposed new development, the City may require the property owner to dedicate the right-of-way for a standard thoroughfare width, and to improve the street according to the dimensions and specifications in these regulations, depending on factors such as the impact of the development on the collector or arterial street, the timing of the development in relation to need for the thoroughfare, and the likelihood that adjoining property will develop in a timely manner.
- (d) *Capital improvement plan for roads.* A road improvement may be considered adequate if the required improvement is included, funded, and approved in the city's, county's, or state's capital improvement plan for roads, or if the improvement is included, funded, and approved in the city's, county's or state's capital improvement plans for roads, provided that the applicant agrees to phase development to conform to such scheduled improvement. This section shall not be construed to prevent the city from requiring dedication of rights-of-way for such roads, or from assigning trips to such roads in a traffic impact study to determine a development project's proportionate costs of improvements.
- (e) *Possible City participation in costs of improvement.* The City may participate in the costs of improvements required by this Chapter to achieve proportionality between the traffic impacts created by the proposed development and the obligation to provide adequate roadways. In such cases, the property owner shall be responsible for the entire initial costs of road improvements, including design costs. Reimbursement of the City's agreed share of the costs shall be made as funds become available. The construction of improvements and the provisions for participation in costs by the City shall be included in a development agreement. This is a voluntary process initiated between the city and the developer.

Sec. 48-52 – Traffic Impact Analysis (TIA).

- (a) *Submittal standards.* Every development that will generate traffic in excess of fifty (50) average daily trips shall be accompanied by a traffic impact analysis based the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual, prepared in accordance with standard transportation engineering practices for purposes of determining the adequacy of the street network to serve the proposed development, and whether off-site road dedication and improvements should be made to mitigate the effects of the development proposed. If land uses for the development are not specified at the time of application, the daily trip generation rate shall be computed based upon the maximum land use intensity allowed for the development.
- (b) *Submission.* A TIA shall be submitted with the application. An updated TIA shall be submitted with each additional application or if a modification triggers an update to the TIA. The revision to the TIA shall be generally consistent with the initial TIA. The initial traffic impact analysis shall be updated whenever there is more intensive development.
- (c) *Determination.* The TIA shall determine the following:
 - (1) Trips to be generated by the proposed development;

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- (2) Assignment of such trips to the road network analyzed;
 - (3) The capacity of affected arterial and collector streets before and after the proposed development;
 - (4) Specific recommendations for arterial and collector street improvements (including but not limited to turn lanes, acceleration/deceleration lanes, additional lanes, controlled access) and traffic-control modifications needed to mitigate the traffic from the proposed development; and
 - (5) The development project's proportionate share of the costs of such improvements and modifications.
- (e) *Standards.*
- (1) The City Engineer shall determine the geographic area to be included in a TIA.
 - (2) A TIA must be performed under the supervision of a State licensed registered professional engineer.
 - (3) A TIA must describe the study methodology, the data used, and the study findings and provide recommendations based on the results.
 - (4) A TIA must be signed/sealed by a State registered professional engineer or other qualified individual responsible for the supervision of the study and preparation of the TIA.
 - (5) The TIA must meet the requirements of the City, County, and State for internal and adjoining arterials and collector streets. A scoping document shall be agreed upon by all parties prior to submitting the document. All parties, as applicable, must approve the document to consent approval by the City.
- (f) *Exceptions through a development agreement; approval of development agreement.* The city may allow a developer to negotiate payment of fees to offset roadway impacts through a development agreement instead of a TIA. This negotiation may include a fixed fee based on the linear footage of development along a roadway, fixed fee based on the number of lots in a development, fixed fee based on each peak hour trip that the proposed development will generate, fixed fee based on vehicle miles traveled (VMT) for each land use in the development, or any other means of measurement as agreed upon by the city and developer. This is a voluntary process initiated between the city and the developer. Any development agreement through this section must be approved by the council.
- (g) *Development agreement in place before plan or plat approval.* A development agreement through this section must be approved by the council before the City shall approve any proposed Site Development Plan.
- (h) Criteria for decisions regarding TIA.

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- (1) *City denial by overburden.* The city may deny a TIA if it demonstrates that a proposed development may overburden a private, city, county, or state arterial or collector system.
- (2) *City denial by reducing desirable operation levels of service or endangers public safety.* The city may deny a TIA if it demonstrates the projected traffic generated by the project, combining with the existing traffic, reduces the existing operating level of service on a private, city, county, or state arterial or collector system within the study area or endangers the public safety.
- (3) *City approval by mitigating adverse traffic conditions.* The applicant has satisfactorily mitigated any adverse traffic conditions on a private, city, county, or state arterial or collector system within the study area to the satisfaction of the city.
- (4) *City approval by proving insignificant effect on systems.* The projected additional traffic from a project has an insignificant effect on a private, city, county, or state arterial or collector system within the study area to the satisfaction of the city.

Sec. 48-53 – Placement of Traffic Improvements from Traffic Impact Analysis (TIA).

- (a) *Acceleration/deceleration lanes and/or turn lanes.* When required by the TIA, acceleration/deceleration lanes and/or turn lanes shall be provided as either on or off-site improvements for existing and/or proposed arterial or collector streets to the satisfaction of the city engineer.
- (b) *Reservation of additional right-of-way (ROW).* When required by the TIA, additional ROW shall be dedicated to the ROW owner if required to accommodate acceleration/deceleration lanes or turning lanes to the satisfaction of the city engineer.
- (c) *Signage and striping.* The developer shall design, install, and pay all costs for traffic control signs and pavement striping either onsite or offsite. Traffic control signs and pavement striping shall conform to the accepted construction plans and to the most recent edition of the Texas Manual on Uniform Traffic Control Devices (TMUTCD).
- (d) *Signalization.* The developer shall design, install, and pay all costs for providing any required traffic signalization system identified in an approved traffic impact analysis (TIA), including all related devices, conduits, wiring, and junction boxes, to the satisfaction of the city engineer.

Sec. 48-54 – Other Adequacy Facility Standards.

No site development application shall be approved if there are inadequate facilities, as determined by the City Engineer, to serve the proposed development. These facilities include but are not limited to on- and off-site water, wastewater, drainage, street, power, and communication facilities. The plans for improvements to provide adequate facilities shall be part of the site development application. Adequate facility improvements may include but are not limited to the extension of off-site water and wastewater lines, construction of off-site water storage, off-site lift stations, off-site drainage easements and improvements.

Sec. 48-55 - 48-69. - Reserved.

DIVISION 2 – TREE PRESERVATION STANDARDS.

EXHIBIT “A”

Sec. 48-70. – Purpose and Intent.

The tree preservation standards adopted herein are reasonable and necessary to preserve trees as an important public resource enhancing the quality of life and the general welfare of the city and enhancing its unique character and physical, historical, and aesthetic environment.

Sec. 48-71. – Tree Preservation Standards

The protection of significant and heritage trees, in general, shall be considered in the layout of streets, parking lots, driveways, drainage improvements, utilities and lots. The approval authority may call for the relocation of any improvement to save a significant or heritage tree as shown on a tree survey. Tree removal shown shall constitute the City's approval to remove a significant or heritage tree. Tree protection zones shall be shown on the plans for any preserved significant or heritage trees.

Sec. 48-72. – Mitigation of Removed Significant and Heritage Trees

The removal of heritage and significant trees shall require mitigation using the calculations and procedures defined below. Mitigation may be achieved through replacement trees planted on-site or payment-in-lieu of replacement trees. A payment-in-lieu can only be utilized when replacement is not possible or practical.

- (a) Mitigation shall be required at a 1:1 caliper inch basis for significant trees between ten (10) and fourteen (14) caliper inches and a removal fee per caliper inch.
- (b) Mitigation shall be required at a 2:1 caliper inch basis for significant trees that are between fifteen (15) caliper inches and nineteen (19) caliper inches and a removal fee per caliper inch.
- (c) Mitigation shall be required at a 3:1 caliper inch basis for heritage trees and a removal fee per caliper inch.
- (d) A payment-in-lieu of replacement trees in accordance with the fee schedule, the fee shall be per caliper inch of replacement tree.
- (e) Replacement trees shall be a minimum of two (2) caliper inches and identified by Texas A&M Forest Service as a native tree.

Sec. 48-73. – Tree Preservation

No significant or heritage trees shall be removed until a tree preservation plan has been approved by the City. Significant and heritage trees may be removed only in accordance with the approved tree preservation plan, and trees must be protected during construction activities on the property in accordance with the approved tree preservation plan.

Sec. 48-74 – 48.89. – Reserved.

DIVISION 3 – PARKLAND STANDARDS

Sec. 48-90. – Purpose and Intent.

The parkland standards adopted herein are reasonable and necessary to provide for suitable land or the ability to provide for suitable land for residents of the City and ETJ for open space, recreation, amenities, and improvements.

EXHIBIT “A”

Sec. 48-91. – Applicability and Exceptions.

- (a) *Applicability.* This Division shall be applicable for all residential development.
- (b) *Exceptions.* These standards shall not apply to any residential development with four (4) or less existing dwelling units on a lot or a proposal with four (4) or less dwelling units on a lot.
- (c) *Administration waiver.* The Administrator may waive subsection (b) if it is determined an applicant is abusing the exception standards.

Sec. 48-92. – Parkland Standards.

- (a) *Requirements.* The developer shall dedicate parkland or contribute fee-in-lieu or any combination thereof as determined by the City.
- (b) *Land Dedication.* Shall follow the standards below:
 - (1) *Responsibility.* An applicant shall provide for the parkland needs of its residents by the dedication of suitable land for park and recreational purposes.
 - (2) *Shown on approved plans and dedication statement.* The area to be dedicated must be shown on the site development plan and included in the dedication statement.
 - (3) *Providing deed and applicable standards.* Prior to application approval, the applicant shall provide by deed to the city all land required by this Division. The land itself must be free and clear of all mortgages and liens at the time of such conveyance. It shall not be encumbered with existing or proposed public utility easements or drainage channels that would unduly restrict the development of the site for recreational purposes.
 - (4) *Maximum dedication of parkland in a floodplain.* Land located in a floodplain shall not constitute more than fifty (50) percent.
 - (5) *Calculation of minimum parkland.* The amount of parkland required to be dedicated to the city is as determined by the following formula:

$$6 \times (\text{number of units}) \times (\text{residents per unit}) / 1,000 = \text{acres of parkland.}$$

In calculating the amount of parkland to be dedicated under this section, the number of residents in each dwelling unit is based on density as follows:

Dwelling Units Per Acre	Residents in Each Dwelling Unit
Not more than 6	2.8
More than 6 and not more than 12	2.2
More than 12	1.7

In calculating the amount of parkland to be dedicated under this section, density for a multifamily development is assumed to be the highest permitted in the zoning district, or if the property is not zoned or the zoning does not have a density, twenty-four (24) dwelling units per acre.

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In calculating the total any fraction must be rounded up to the nearest whole number (i.e. 2.01 = 3.00).

- (6) *Location of land dedication.* The specification and codes adopted by the city shall be used as a guide for location of park sites, including but not limited to the Comprehensive Plan and any adopted parks plan. All land intended for park purposes shall be inspected both on the application and in the field by the City. The decision on acceptance of parkland shall be made by the City based on a recommendation of the Parks and Recreation Advisory Board. This can be an on-site location or an off-site location. If this is to be an off-site location it shall follow park locations as denoted in the Comprehensive Plan or parks plan.
 - (7) *Credit for private park land and facilities.* There shall be no credits given under this Division for any private parks or facilities created independently of public parks and facilities.
 - (8) *Title insurance required.* Prior to City approving the application, the developer shall deliver to the city a title insurance policy with the city as the holder and covering the parkland being conveyed.
 - (9) *Dual park and storm drainage facility.* Use of parkland within the area of a storm drainage facility is prohibited.
- (c) *Fee-in-lieu.*
- (1) *Criteria for acceptance of fee-in-lieu.* The City shall allow for a fee-in-lieu in the following situations:
 - (A) If the parkland dedication is to be less than three (3) acres within the City limits, or
 - (B) If future parks are not indicated on the Comprehensive Plan, City park plans, or applicable County parks plan in and around the development and the applicant cannot purchase off-site land in accordance with subsection (A), then the City may allow as an option a fee-in-lieu of the dedication.
 - (C) The fee-in-lieu shall be paid prior to approval of the application.
 - (2) *Deposit of cash contributions.* All cash contributions are to be received by the City. The City shall deposit said funds into the park fund.
- (d) *Reservation of additional park land.* If the park plan, specification, or codes for the city specifies a larger amount of park land than the applicant may be required to dedicate, the land needed beyond the respective contribution may be reserved for subsequent acquisition by the City.
- (1) *Options for payment and to hold land.* The City may elect to hold such land by:
 - (A) Purchasing an option to buy the property for a period and at a price as agreed upon by the city and applicant.
 - (B) Indemnifying the owner of the land for all holding costs for a period of time, said costs and time period to be agreed upon by the City and applicant.

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- (C) If the City and applicant cannot agree then the City may elect to prohibit any development or improvement to the proposed park land for a period not to exceed twelve (12) months, during which time the City shall use reasonable and diligent efforts to acquire the necessary funds or financing to purchase the subject tract.
- (2) *No restriction on eminent domain.* No provision herein shall in any way be construed as a limitation of the City's authority to acquire park land by eminent domain.

Sec. 48-93. – Land Treatment on Land Dedicated for Parkland.

- (a) The applicant or developer shall not cause or allow any fill material or construction debris to be dumped on the land, or otherwise alter, damage, or impair the land, water, or vegetation on the park site, without written permission from the Director. The City may allow the applicant to dump fill material and take other respective actions specified in this subsection when such action would be beneficial to the park land.
- (b) The City will have the option to place the park land in a trust for use and leverage in funding as the park is developed. The city attorney shall be involved with the transfer of property to ensure the city has ownership but through the trust process does not lose the ownership of such property.

Sec. 48-94 – 48.109. – Reserved.

DIVISION 4 – DEVELOPMENT STANDARDS.

Sec. 48-110. Mandatory interconnectivity between sites.

- (a) *Vehicular interconnectivity element.* A site contiguous with another site shall provide drive aisle connections to the boundary of the site for connection to such contiguous site and shall provide an access easement to that site boundary from a public street to the satisfaction of the administrator.
- (b) *Non-vehicular interconnectivity element.* A site contiguous with another site shall provide non-vehicular connections, such as bicycle and/or pedestrian, to the boundary of the site for connection to such contiguous site and shall provide the access easements to that site boundary from a public street to the satisfaction of the administrator.
- (c) *Width of access easement and drive aisle or non-vehicular connection.* The access easement, drive aisle, and/or other non-vehicular connection shall maintain the same width in the development and neighboring development to the satisfaction of the administrator.
- (d) *Recording of necessary easements.* The developer shall record any legal documents, mutual access agreements, and provide documentation of existence before the city approves any site development plan.
- (e) *Exemptions to section.* Unless such connections are inappropriate as determined by the administrator, including but not limited to, topographic constraints, environmental constraints, and/or adjacent land uses that are incompatible for the purposes of mixing traffic, they may exempt the development from specific interconnectivity requirements.

Sec. 48-111. Driveways.

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- (a) *Location and spacing standards; exceptions.* Driveway approaches are permitted only arterial or collector streets; however, the driveways must have a minimum of two hundred (200) feet spacing between driveways on streets and from the street centerline at an intersection unless the city engineer determines that existing conditions or other governmental regulations makes this impossible.
- (b) *Opposite driveway approaches on opposite side of street to line up.* Where feasible, to the satisfaction of the city engineer and not in conflict with these regulations, proposed driveway access should align with existing driveway accesses or public streets on the opposite side of the road.
- (c) *Minimum width for non-residential uses and mixed-uses driveway accesses on city streets.* Driveway accesses on city streets shall be between thirty (30) feet and forty-five (45) feet in width.
- (d) *Minimum width for residential uses only driveway accesses on city streets.* Driveway accesses on city streets shall be between twenty-four (24) feet and thirty (30) feet in width.
- (e) *Angle of driveway accesses.* All access driveways shall be at ninety (90) degrees, or within a limit of plus or minus ten (10) degrees off ninety (90) degrees to the intersecting public street.
- (f) *Number of driveway accesses to street.* Driveway accesses to streets shall be by no more than two (2) driveway accesses for each four hundred (400) feet of lot frontage, or fraction thereof. Lots less than one hundred (100) feet in width shall have no more than one (1) point of access to any one (1) street. Developer shall provide adequate access so that internal traffic management is provided and avoids unnecessary traffic spill out onto streets.
- (g) *Driveway entrance setback.* Driveway entrances shall be set back at least thirty-five (35) feet from the point of tangency of the curb at any intersecting street or to the satisfaction of the city engineer.
- (h) *Culvert sizes.* Adequate culverts shall be provided under driveways to prevent obstruction of drainage ways. The minimum size shall be as indicated in the city construction standards.
- (i) *Safe design for users.* All driveways shall be designed to provide safe vehicular entrance and exit without the necessity of backing out into a street to the satisfaction of the city engineer.
- (j) *Grade and slope.* Every driveway shall be at roadway grade level where the driveway intersects with the right-of-way. A negative slope of two (2) percent shall be required where there is no curb and gutter for a minimum of eight (8) feet or to the top of the culvert, and areas with curb and gutter, a positive grade will be allowed.
- (k) *Lack of driveway regulations on non-city owned right of way.* In situations where no driveway standards exist on non-city owned right-of-way, the applicable standards in this section will be used instead.

Sec. 48-112. – Application of Standards from Chapter 36 City Code.

EXHIBIT “A”

- (a) *Streets constructed within and/or adjacent to development.* If streets are constructed within and/or adjacent to the proposed development, they shall follow standards mandated within chapter 36, city code and city construction standards to the satisfaction of the city engineer.
- (b) *Alleys constructed within and/or adjacent to development.* If alleys are constructed within and/or adjacent to the proposed development, they shall follow standards mandated within chapter 36, city code and city construction standards to the satisfaction of the city engineer.
- (c) *Sidewalks constructed within and/or adjacent to development.* If sidewalks are constructed within and/or adjacent to the proposed development, they shall follow standards mandated within chapter 36, city code and city construction standards to the satisfaction of the city engineer.
- (d) *Easements placed within and/or adjacent to development.* If easements are placed within and/or adjacent to the proposed development, they shall follow standards mandated within chapter 36, city code and to the satisfaction of the city engineer. The person shall record any legal documents and provide documentation of existence before the city approves any site development plan.
- (e) *Drainage and storm sewers within or adjacent to development.* Drainage and storm sewers placed within and/or adjacent to the proposed development, they shall follow standards mandated within chapter 36, city code and city construction standards to the satisfaction of the city engineer.
- (f) *Stormwater quality, riparian corridors, and environmental standards within or adjacent to development.* Stormwater quality, riparian corridors, and environmental standards placed within and/or adjacent to the proposed development, they shall follow standards mandated within chapter 36, city code and city construction standards to the satisfaction of the city engineer.
- (g) *Water, sanitary sewer systems, and flood regulations within or adjacent to development.* Water systems, sanitary sewer systems, and flood regulations placed within and/or adjacent to the proposed development, they shall follow standards mandated within chapter 36, city code and city construction standards to the satisfaction of the city engineer.

Sec. 48-113 – 48.199. – Reserved.