



AGENDA

PLANNING & ZONING COMMISSION

REGULAR MEETING

MONDAY, FEBRUARY 28, 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. January 19, 2022 Minutes.

Documents:

[JANUARY 19, 2022 MINUTES.PDF](#)

3.II. January 24, 2022 Minutes

Documents:

[JANUARY 24, 2022 MINUTES.PDF](#)

4. NEW BUSINESS

- 4.I. Project #202101703: A Preliminary Plat For "Eagles Landing Phases III & IV" Located On A Parcel Of Land Known By The Travis County Appraisal District As Parcel 358804, Located Adjacent To Eagles Landing Phase II, And Near The Intersection Of County Line Rd. And Carlson Ln. For A Total Of 216 Lots On 35.93 Acres Of Land.

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

Documents:

[EAGLES LANDING PHASE 3-4 PRELIMINARY PLAT 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:

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

6. WORKSHOP

- 6.I. Review And Discuss Future North-South Arterial Connection From The Creeks Crossing

Subdivision.

Documents:

[NORTH SOUTH ARTERIAL WORKSHOP COMBINED PACKET.PDF](#)

6.II. Review, Discuss, And Provide Input For Future PDD Rezoning For Poth Tract.

Documents:

[POTH TRACT WORKSHOP COMBINED PACKET.PDF](#)

6.III. Review, Discuss, And Provide Input For Future PDD Rezoning For Larson Tract

Documents:

[LARSON TRACT WORKSHOP COMBINED PACKET.PDF](#)

7. ANNOUNCEMENTS

8. 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
SPECIAL MEETING
WEDNESDAY, JANUARY 19, 2022

I. CALL TO ORDER – ROLL CALL: The Chair called the meeting to order at 6:00 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, Scott Mackay, Jason Tatum, and David Lanford (arrived at 6:58 P.M.).

COMMISSION ABSENT: Brian Lundgren & Dorothy McCarther.

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

II. WORKSHOP

1. Review, Discuss, And Provide Input on An Ordinance Adding Chapter 48, Site Development, Revised Code of Ordinances, City of Elgin, TX 2013 Repealing All Other Ordinances and Parts Of Ordinances In Conflict Therewith; And Providing A Savings Clause.

The Chair opened the workshop, and the Development Services Director went through the proposed new Code in detail. Discussion between the Commission and City Staff included driveways; purpose and intent; ingress-egress; difference between Site Development major and minor; trips to trigger the traffic impact analysis; addition of proportional costs for traffic improvements from traffic impact analysis; percentage exclusion rule regarding tree inches for removal; parkland; and mandatory interconnectivity of sites.

It was decided at the end the changes discussed in this workshop would be incorporated into the document and these would be discussed in the next regular meeting.

III. ADJOURNMENT

The meeting was adjourned by the Chair at 8:53 P.M.

Antonio Prete, Chair

ATTEST: _____
David Harrell, Secretary

On a motion by _____, seconded by _____
the foregoing instrument was passed and approved on this 28th day of February 2022.

**MINUTES
CITY OF ELGIN PLANNING AND ZONING COMMISSION
REGULAR MEETING
MONDAY, JANUARY 24, 2022**

I. CALL TO ORDER – ROLL CALL: The Chair called the meeting to order at 6:31 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, Scott Mackay, Brian Lundgren, Jason Tatum (arrived at 6:32 P.M), and David Lanford (arrived at 6:32 P.M).

COMMISSION ABSENT: Dorothy McCarther.

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

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

III. CONSENT AGENDA

1. December 20, 2021, Minutes.

Brian Lundgren moved that the Commission approve the consent agenda, Vice-Chair Ronnie Creppon seconded the motion. The motion passed unanimously with a vote of six (6) for and zero (0) against.

IV. NEW BUSINESS

1. 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 – David Harrell conducted a power-point presentation of the staff report.
 - B. Applicant Presentation – John Hines, applicant, indicated he had no presentation but was there to answer questions.
 - C. Open Public Hearing – The public hearing was opened at 6:37 P.M. with no members of the public to speak on the item.
 - D. Close Public Hearing – The public hearing was closed at 6:37 P.M.
 - E. Discussion – There was discussion between the Commission & City Staff concerning traffic, drainage, & access from Western Sky Blvd. in relation to proposal; neighboring development in relation to the throughfare plan with new north-south arterial starting in this Plat; approved PDD standards; and future subdivision construction.
 - F. Consideration – Jason Tatum made a motion to approve of the item, seconded by David Lanford. The motion passed unanimously by a vote of six (6) to zero (0).

IV. NEW BUSINESS (Cont.)

Due to a conflict of interest, the Chair relinquished control of the next item to the Vice Chair and removed himself from the dais.

2. 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 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.
 - A. Staff Presentation – David Harrell conducted a power-point presentation of the staff report.
 - B. Applicant Presentation – Bill Caudill c/o Elgin 290 LLC, applicant, indicated he was there to answer any questions, indicated that real estate experts are here to state that apartments are the best use of the land, recommend adopt staff recommendation, and that he and other representatives (Bruce Meyers) were here to answer questions. Bruce Meyers presented the criteria they look for regarding location of apartment developments.
 - C. Open Public Hearing – The public hearing was opened at 7:08 P.M. with five (5) members of the public in attendance to speak on the item.
 - Tanea Cruz, 104 Travers Stakes Trail, spoke against the rezoning.
 - Bili Wallace, 200 Saranac Drive, spoke against the rezoning.
 - Cynthia Aranda, 111 Cates Cove, spoke against the rezoning.
 - David Massex, 105 Travers Stakes Trail, spoke against the rezoning.
 - Latesha Jackson, 106 Travers Stakes Trail, spoke against the rezoning.
 - D. Close Public Hearing – The public hearing was closed at 7:25 P.M.
 - E. Discussion – There was discussion between the applicant’s representatives and Commission discussed site lines; floodplains; and proposed development pattern. The Commission and City Staff had discussions regarding setbacks for zoning, permitted uses, traffic impact analysis, traffic flows on U.S. Hwy. 290 and Roy Rivers Rd.; 200’ State Law notification standards; Land Use as defined in the Comprehensive Plan; infill development; spot zoning; and connection of Roy Rivers Rd. into Littig Rd. Commission members discussed amongst themselves with transitional housing; surrounding development patterns; other development patterns of site (i.e., duplexes); no ability to lock in multifamily development plan with proposed “A” zoning;

IV. NEW BUSINESS (Cont.)

- F. Recommendation – Jason Tatum made a motion to recommend approval of the item, motion died due to a lack of a second. Jason Tatum then made a motion to recommend denial, seconded by David Lanford. The motion to recommend denial passed by a vote of three (3) to two (2).

After Item #2 had been completed the Vice-Chair relinquished control back to the Chair and he took a seat back at the dais.

After assuming control at the dais, the Chair declared a momentary recess at 8:02 P.M.

The Chair called the meeting back to Order at 8:05 P.M.

- 3. 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 – David Harrell conducted a power-point presentation of the staff report.
 - B. Open Public Hearing – The public hearing was opened at 8:10 P.M. There were one (1) member of the public and one (1) City Staff member in attendance to speak on the item.

W.C. Estes, 902 N. Main St., spoke in favor of the proposed Ordinance changes.

Amy Miller, City Community Development Director, indicated the Main Street Board recommended approval of the item.
 - C. Close Public Hearing – The public hearing was closed at 8:15 P.M.
 - D. Discussion – Commission and City Staff discussed issues with wayfinding signage; size of on-street parking stalls; and extension of district beyond City Staff proposal. Commission members discussed timeframe associated with getting a variance and delay of business opening.
 - E. Recommendation – Scott Mackey made a motion to approve of the item with the following conditions: 1) Addition of areas to the north to be bounded by Avenue C, Lexington Ave., and the railroad tracks; 2) To have the City include free parking signage in the large area parking lots; seconded by Vice-Chair Ronnie Creppon. The motion passed unanimously by a vote of five (5) to zero (0).

V. 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 that the workshop was held on January 19 and from that workshop there were changes that had to be drafted, but he had not gotten the chance to get that completed before this meeting. He desired the item to be tabled until next month if desired by the Commission.
 - B. Discussion – None.
 - C. Recommendation – Jason Tatum made a motion to table the item until the next meeting, seconded by Vice-Chair Ronnie Creppon. The motion passed unanimously by a vote of five (5) to zero (0).

VI. ANNOUNCEMENTS

None

VII. ADJOURNMENT

The meeting was adjourned by the Chair at 8:31 P.M.

Antonio Prete, Chair

ATTEST: _____
Melissa Lipiec, Secretary

On a motion by _____, seconded by _____
the foregoing instrument was passed and approved on this 28th day of February 2022.



Development Services Department

STAFF REPORT

Project #202101703

Eagles Landing Phases III & IV Preliminary Plat

Date: February 17, 2022

Applicant: Tack Development

Representative: Blake Reed or Christopher Reed c/o Doucet & Associates.

Hearing Dates: Planning & Zoning Commission – February 28, 2022.

Location: Bastrop Co. Appraisal District Parcel 358804, located adjacent to Eagles Landing Phase II, and near the intersection of County Line Rd. and Carlson Ln.

APPLICATION SUMMARY

Consideration of a preliminary plat for Eagles Landing Phases III & IV which consists of single-family home lots. These lot widths are from 40 feet – 45 feet in size and lot areas range roughly in size from 4,400 sq. ft. – 5,423 sq. ft. There are a total of 217 lots which consist of 215 single family lots, 1 open space/drainage lot, and 1 ROW lot. The ROW sizes are of a local standard (50-foot ROW). This proposed Preliminary Plat covers the entire Planned Development District (PDD) Ordinance Concept Plan (see attach's 2 & 3).

DEPARTMENT COMMENTS

The City Council approved a Planned Development District (PDD) rezoning on October 12, 2021. This resulted in a decrease in lot sizes and lot area from the R-3 zoning category. The PDD Concept Plan has been included to show the approved plan. In review of this Concept Plan, it matches the proposed preliminary plat.

STAFF ANALYSIS

Staff has reviewed the Preliminary Plat and it is similar in layout and design of the approved PDD Concept Plan and meets the City Code. Based on the information within the packet, staff believes there are no issues 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 Concept Plan.
3. Proposed Preliminary Plat.
4. TRC Approval Letter.

Attachment 1

Application

PRELIMINARY PLAT APPLICATION

Date: 10/8/21New ☒ Modification ☐

Modification of _____

SITE INFORMATION

Project Address: 18511 Carlson Lane, Elgin, TX 78621

Parcel Identification Number (if no address): _____

APPLICANT

Name: Tack Development (Blake Reed)Postal Address: 230 Klattenhoff Lane, Suite 101, Hutto, TX 78734E-Mail Address: blake@timmermancapital.com; Phone Number: (512) 496-8668

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.

	<u>Blake Reed</u>	<u>9/14/21</u>
Signature	Printed Name	Date

Project Description:

A proposed 35.94-acre development comprised of approximately 215 single-family homes and related street, drainage, water and wastewater improvements.



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



(512) 281-0119



www.elgintx.com

CONTACT INFORMATION

Contact Name: Tack Development (Blake Reed)

Contact Role (e.g. owner, agent, developer): Agent, Developer

Contact Phone: (512) 496-8668; **Contact E-Mail:** blake@timmermancapital.com

I, the undersigned, request a pre-application meeting for the purpose of discussing a proposed project in general terms. I have provided the information requested in this form and understand that this meeting does not constitute City review for the purposes of approval or permit issuance. A licensed professional engineer should be consulted independently by the applicant regarding potential utility, drainage, and floodplain impact issues prior to making any decisions regarding real estate or other business transactions.

Upon submittal of the appropriate application(s), additional comments from City staff should be expected in addition to those that were discussed in this meeting.

Furthermore, I understand that this meeting is not a development permit application and does not constitute the first in a series of permits or projects for this proposed project. Plans shall be prepared in accordance with the City Code, as well as any international, federal, state, or local codes incorporated or referenced therein.

Furthermore, Staff reserves the right to request another pre-application meeting if there has been longer than two (2) weeks since this meeting and applicable application packet being submitted to City.




Contact Signature

Date

FOR OFFICE USE ONLY

Application Received Date: _____

Yes: _____

No: _____

Meeting Conducted

Date: _____

Reason for Not Conducting Meeting: _____

Staff Signature: _____



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

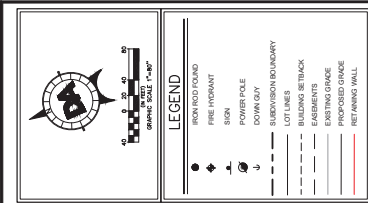


(512) 281-0119

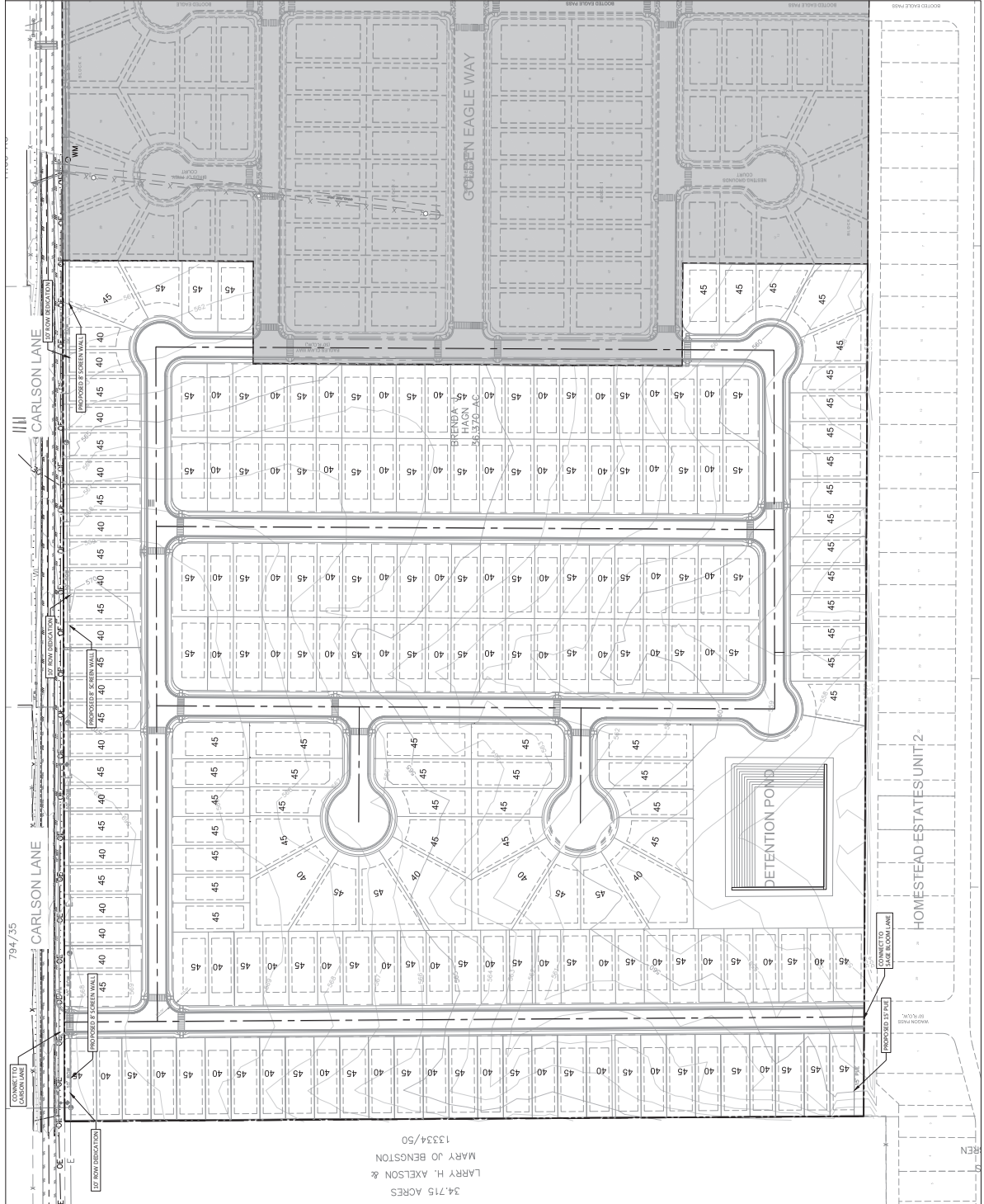


www.elgintx.com

Attachment 2
Approved PDD Concept Plan



SUMMARY	
40' LOTS (30' PRODUCT)	83 (39%)
45' LOTS (35' PRODUCT)	132 (61%)
TOTAL: 215	



Attachment 3
Proposed Preliminary Plat

PRELIMINARY PLAT OF
EAGLES LANDING PHASE 3 & 4

BEGINNING AT A 5/8-INCH IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID 35.94 ACRE TRACT AND THE NORTHWEST CORNER OF A CALLED 27.49 ACRE TRACT, DESCRIBED TO TACK DEVELOPMENT LTD., RECORDED IN DOCUMENT NUMBER 2018109895 [O.P.R.T.C.], SAME BEING IN THE SOUTHWEST RIGHT-OF-WAY OF SAID CARLSON LANE, A CALLED 50-FOOT RIGHT-OF-WAY PER EAGLES LANDING PHASE 1 PLAT, RECORDED IN 200400192 [O.P.R.T.C.];

THENCE, LEAVING SAID SOUTHWEST RIGHT-OF-WAY OF CARLSON LANE, AND CONTINUING WITH THE COMMON LINE OF SAID 35.94 ACRE TRACT AND SAID 27.49 ACRE TRACT, THE FOLLOWING THE (S) COURSES AND DISTANCES:

1. S27°16'48"W, A DISTANCE OF 297.75 FEET TO A 1/2-INCH IRON ROD FOUND,
2. N62°45'08"W, A DISTANCE OF 159.71 FEET TO A 5/8-INCH IRON ROD FOUND,
3. S27°18'12"W, A DISTANCE OF 670.03 FEET TO A 5/8-INCH IRON ROD FOUND,
4. S62°41'55"E, A DISTANCE OF 160.20 FEET TO A 5/8-INCH IRON ROD FOUND, AND
5. S27°17'08"W, A DISTANCE OF 288.97 FEET TO A 5/8-INCH IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID 35.94 ACRE TRACT, BEING THE SAME POINT OF BEGINNING, ALL BEING AS SHOWN ON MAP RECORDED IN DOCUMENT NUMBER 200200139 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS [P.A.T.C.];

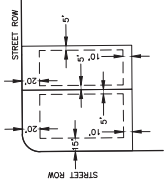
THENCE, N62°43'42"W WITH THE COMMON LINE OF SAID HOMESTEAD ESTATES UNIT 1 PLAT, AND THE NORTHEAST LINE OF THE REMNANT PORTION OF A CALLED 120.601 ACRE TRACT OF LAND DESCRIBED IN DOCUMENT NUMBER 2018093369, A DISTANCE OF 345.94 ACRE TRACT AND SAID 34.715 ACRE TRACT, A DISTANCE OF 1,247.50 FEET TO A 5/8-INCH IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID 34.715 ACRE TRACT, SAME BEING ON THE SAND SOUTHWEST RIGHT-OF-WAY OF CARLSON LANE,

THENCE N26°41'00"E, LEAVING THE NORTH LINE OF SAID 120.601 ACRE TRACT AND CONTINUING WITH THE COMMON LINE OF SAID 345.94 ACRE TRACT AND SAID 34.715 ACRE TRACT, A DISTANCE OF 1,247.50 FEET TO A 5/8-INCH IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID 34.715 ACRE TRACT, SAME BEING ON THE SAND SOUTHWEST RIGHT-OF-WAY OF CARLSON LANE,

THENCE S63°07'41"E, WITH THE COMMON LINE OF SAID 35.94 ACRE TRACT AND SAID SOUTHWEST RIGHT-OF-WAY OF CARLSON LANE, A DISTANCE OF 1341.99 FEET TO THE POINT OF BEGINNING AND CONTAINING APPROXIMATELY 35.93 ACRES.

CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARINGS
C1	23.507	15.007	88°45'23"	N18°14'29"W
C2	14.307	20.007	40°57'53"	N62°36'36"W
C3	23.637	15.007	90°14'37"	N71°45'01"E
C4	31.577	20.007	90°25'53"	S17°54'45"E
C5	31.237	20.007	89°27'39"	S72°05'41"W
C6	23.697	20.927	50°23'05"	N34°56'30"W
C7	301.537	60.007	287°56'10"	S26°52'19"W
C8	22.747	27.807	44°51'57"	S88°21'35"E
C9	31.277	20.007	88°34'20"	S17°29'08"E
C10	31.357	20.157	86°08'02"	S71°52'22"W
C11	23.657	20.607	54°01'05"	N26°13'11"W
C12	301.627	60.777	289°06'35"	S26°46'46"W
C13	22.457	26.507	44°32'06"	S89°35'51"E
C14	31.577	20.007	90°25'53"	S17°54'45"E
C15	17.407	20.007	48°50'37"	S52°12'30"W
C16	160.707	60.007	184°09'14"	S14°43'06"E
C17	15.247	20.007	43°40'02"	S84°57'42"E
C18	15.737	20.017	43°02'40"	S40°37'12"E
C19	161.287	60.007	184°48'06"	N69°30'37"E
C20	17.397	20.007	49°48'00"	N62°28'01"E
C21	31.467	20.007	88°59'54"	N72°18'08"E
C22	31.277	20.007	89°34'07"	S72°05'15"W
C23	31.577	20.007	90°25'53"	N17°54'45"W
C24	31.277	20.007	89°34'07"	N72°05'15"E
C25	31.577	20.007	90°25'53"	S17°54'45"E
C26	31.447	20.007	90°03'19"	N17°42'28"W
C27	17.447	20.007	48°57'57"	N52°17'10"E
C28	158.527	60.007	181°39'15"	N19°32'29"W

BUILDING SETBACK
DETAIL



OWNER'S CERTIFICATION

STATE OF TEXAS
COUNTY OF TRAVIS
KNOW ALL MEN BY THESE PRESENTS, THAT TACK DEVELOPMENT LTD., BEING THE OWNER OF A CALLED 27.49 ACRE TRACT, RECORDED IN DOCUMENT NUMBER 2018109895 [O.P.R.T.C.], AND THE NORTHEAST CORNER OF SAID 35.94 ACRE TRACT, BEING THE SAME POINT OF BEGINNING, ALL BEING AS SHOWN ON MAP RECORDED IN DOCUMENT NUMBER 200200139 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS,

DO HEREBY SUBDIVIDE SAID 35.93 ACRES AS SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS

EAGLES LANDING PHASE 3 & 4

AND DO HEREBY DEDICATE ALL ADDITIONAL ROW, STREETS, ALLEYS, EASEMENTS, RIGHTS-OF-WAY, AND OTHER OPEN SPACES TO PUBLIC USE, OR WHEN THE SUBDIVISION HAD BEEN COMPLETED, TO THE PUBLIC, FOR PERPETUAL MAINTENANCE THEREOF, TO THE BENEFIT OF THE SUBDIVISION.

IN WITNESS WHEREOF, TACK DEVELOPMENT, LTD., HAVE CAUSED THESE PRESENTS TO BE

WITNESS MY HAND THIS _____ DAY OF _____, 20____ A.D.

TIM TIMMERMAN, PRESIDENT
TACK DEVELOPMENT, LTD.
10000 EAGLES LANDING, SUITE 100
HUTTO, TX 78643

STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED _____, KNOWN TO ME TO BE THE OWNER OF THE ABOVE DESCRIBED PROPERTY, WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND HAS ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE CAPACITY FOR THE PURPOSED AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 20____ A.D.

NOTARY PUBLIC, STATE OF TEXAS _____ MY COMMISSION EXPIRES: _____

THE STATE OF TEXAS
COUNTY OF TRAVIS

I, CHRISTOPHER A. REDD, PE, DO HEREBY CERTIFY THAT THE INFORMATION CONTAINED ON THIS PLAT COMPLIES WITH THE SUBDIVISION ORDINANCES AND THE STORMWATER DRAINAGE POLICY ADOPTED BY THE CITY OF ELGIN, TEXAS

CHRISTOPHER A. REDD, PE
TEXAS REGISTRATION NO. 81346
DOUCET & ASSOCIATES, INC.

THE STATE OF TEXAS
COUNTY OF TRAVIS
KNOW ALL MEN BY THESE PRESENTS

I, J. DILLON FUGATE, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ORIGINAL SURVEY MADE BY ME OR UNDER MY SUPERVISION AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY PLACED UNDER MY SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF ELGIN, TEXAS

J. DILLON FUGATE
TEXAS PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 63400
DOUCET & ASSOCIATES, INC.

STATE OF TEXAS
COUNTY OF TRAVIS

I, DANA DIBEAUWOB, CLERK OF COUNTY COURT WITH AND FOR THE COUNTY OF SAID, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WAS FILED FOR RECORD IN MY OFFICE ON _____ DAY OF _____, 20____, AND WAS DULY RECORDED ON THIS _____ DAY OF _____, 20____, AT _____ O'CLOCK _____ M., PLAT RECORDS OF SAID COUNTY AND SITING IN DOCUMENT NUMBER _____ OF SAID COUNTY, TEXAS. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL OF THE COUNTY COURT OF SAID COUNTIES, AT MY OFFICE IN AUSTIN, TEXAS THE LAST DATE WRITTEN ABOVE

BY: _____
DANA DIBEAUWOB,
CLERK OF COUNTY COURT
TRAVIS COUNTY, TEXAS

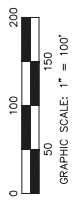
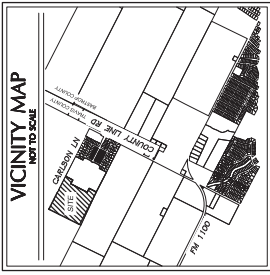
BY: _____
DEPUTY

NOTES:

1. PROPERTY OWNERS SHALL PROVIDE ACCESS TO DRAINAGE EASEMENTS AND SHALL NOT PROHIBIT ACCESS BY GOVERNMENTAL AUTHORITIES.
2. PRIOR TO CONSTRUCTION ON ANY LOT IN THE SUBDIVISION, DRAINAGE PLANS SHALL BE UNDEVELOPED STATUS BY FILING OR OTHER APPROVED METHODS.
3. NO BUILDINGS, FENCES, LANDSCAPING OR OTHER OBSTRUCTIONS ARE PERMITTED IN DRAINAGE EASEMENTS EXCEPT AS APPROVED BY CITY OF ELGIN.
4. THIS SUBDIVISION IS LOCATED IN THE DRY CREEK WATERSHED.
5. EROSION/ SEDIMENTATION CONTROLS ARE REQUIRED FOR ALL CONSTRUCTION ON EACH LOT, INCLUDING SINGLE FAMILY AND DUPLEX CONSTRUCTION.
6. THE OWNER OF THIS SUBDIVISION, AND HIS OR HER SUCCESSORS AND ASSIGNS, ASSUMES RESPONSIBILITY FOR THE DESIGN AND CONSTRUCTION OF DRAINAGE EASEMENTS IN ACCORDANCE WITH APPLICABLE CODES AND REQUIREMENTS OF THE CITY OF ELGIN. THE OWNER UNDERSTANDS AND ACKNOWLEDGES THAT PLAT VACATION OR REPLATING MAY BE REQUIRED, AT THE OWNERS EXPENSE, TO CONSTRUCT THIS SUBDIVISION TO NOT COMPLY WITH SUCH CODES AND REQUIREMENTS.
7. FOR A MINIMUM TRAVEL DISTANCE OF 25 FEET FROM THE ROADWAY EDGE, DRIVEWAY GRASSES MAY EXCEED 14% ONLY WITH THE SPECIFIC WRITTEN APPROVAL FROM THE CITY OF ELGIN.
8. THE LANDOWNER DEVELOPER WILL SERVE EACH LOT WITH WATER & WASTEWATER FROM THE CITY OF ELGIN.
9. WASTEWATER SYSTEMS SERVING THIS SUBDIVISION SHALL BE DESIGNED AND INSTALLED IN ACCORDANCE WITH THE CITY OF ELGIN AND STATE HEALTH DEPARTMENTS.
10. NO PORTION OF THIS TRACT IS LOCATED WITHIN THE EDWARDS AQUIFER RECHARGE ZONE.
11. ALL DRAINAGE EASEMENTS ON PRIVATE PROPERTY SHALL BE MAINTAINED BY THE HOME OWNERS ASSOCIATION OR ASSIGNS.
12. ALL STREETS ARE TO BE DEDICATED FOR PUBLIC USE.
13. MUNICIPAL JURISDICTION THIS PRELIMINARY PLAT BOUNDARY LIES WHOLLY WITHIN THE CITY OF ELGIN FULL PURPOSE JURISDICTION.
14. THERE ARE NO CEMETERY SITES WITHIN THIS PRELIMINARY PLAT.
15. THOSE LOTS DESIGNATED AS COMMON AREA/HOA LOTS WILL BE DEDICATED TO AND MAINTAINED BY HOME OWNERS ASSOCIATION OR ITS ASSIGNS.
16. THIS PRELIMINARY PLAT CONFORMS WITH THE APPROVED PIDO/CONCEPT PLAN IN ORDINANCE 2021-10-12-38.
17. TEN (10) FOOT PUBLIC UTILITY EASEMENT (PUE) IS HEREBY DEDICATED ADJACENT TO ALL INTERIOR STREET ROW ON ALL LOTS, UNLESS OTHERWISE NOTED.
18. THIS PROPERTY SHALL BE IN ACCORDANCE WITH PIDO ZONING: "PLANNED DEVELOPMENT DISTRICT".

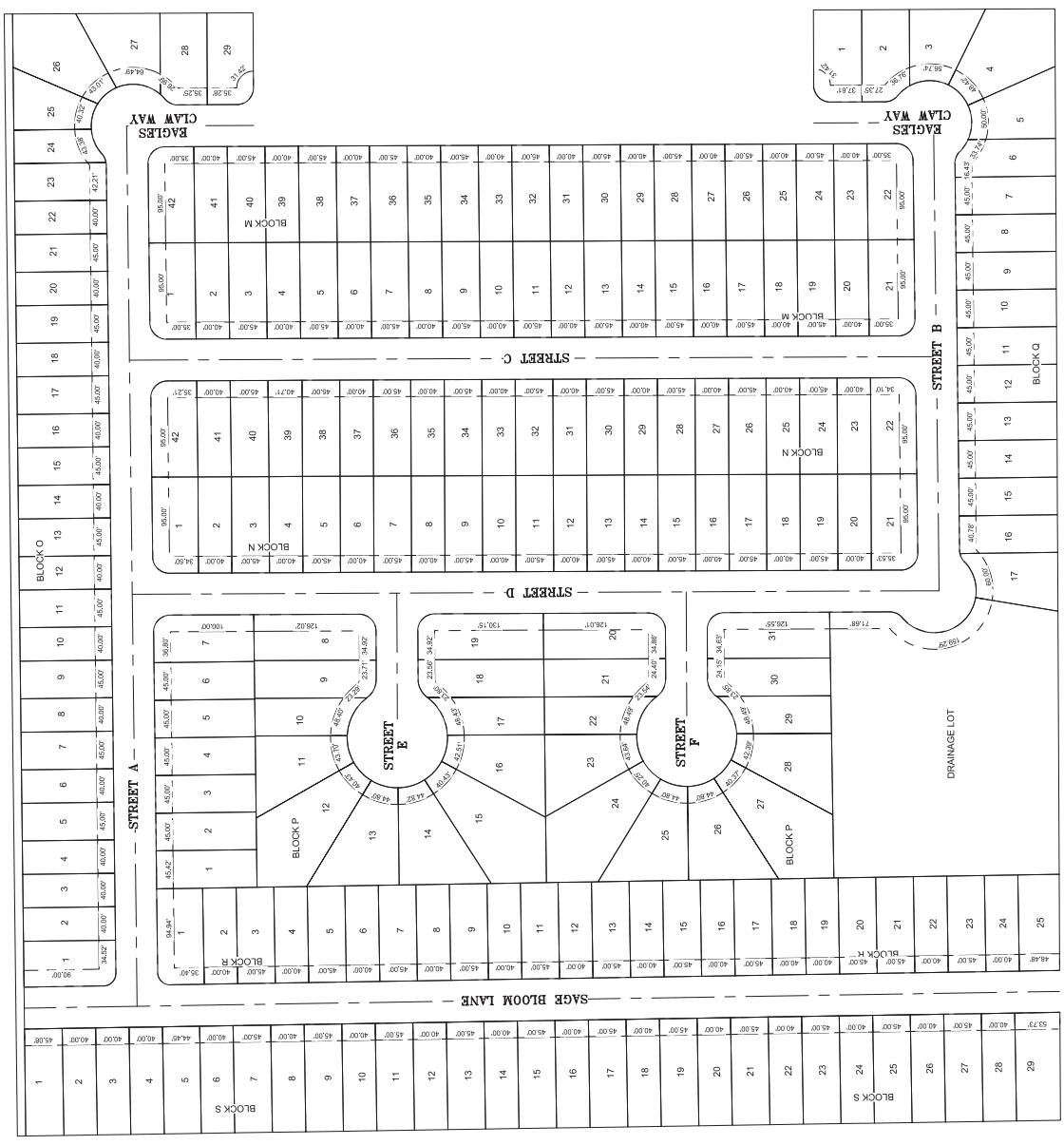
NUMBER	REVISION	DATE

DA DOUCET & ASSOCIATES
Civil Engineering - Planning - Geospatial
7401 B, Highway 77, Suite 100
Austin, Texas 78735, Phone: (512)-583-2400
www.doucetandassociates.com
LIFE Firm No.: 50105800
LIFE Firm No.: 50105800



PRELIMINARY PLAT OF EAGLES LANDING PHASE 3 & 4

20' FRONT SETBACK LOT WIDTHS



LEGEND	
PLAT BOUNDARY	P.O.B.
20' FRONT SETBACK	DOC. NO.
ADJOINER PROPERTY LINE	VOL.
IRON ROD FOUND	PAGE
(UNLESS NOTED)	RIGHT-OF-WAY
BENCHMARK	B.S.L.
20' FRONT SETBACK	PLAT RECORDS, TRANS
20' FRONT SETBACK	COUNTY, TEXAS
20' FRONT SETBACK	TRANS COUNTY, TEXAS
20' FRONT SETBACK	OFFICIAL PUBLIC RECORDS,
20' FRONT SETBACK	TRANS COUNTY, TEXAS
20' FRONT SETBACK	O.P.A.T.C.T.
20' FRONT SETBACK	R.O.W. DEDICATION

NUMBER	REVISION	DATE
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		
29		
30		
31		
32		
33		
34		
35		
36		
37		
38		
39		
40		
41		
42		
43		
44		
45		
46		
47		
48		
49		
50		
51		
52		
53		
54		
55		
56		
57		
58		
59		
60		
61		
62		
63		
64		
65		
66		
67		
68		
69		
70		
71		
72		
73		
74		
75		
76		
77		
78		
79		
80		
81		
82		
83		
84		
85		
86		
87		
88		
89		
90		
91		
92		
93		
94		
95		
96		
97		
98		
99		
100		

Date: 02/16/2022
Scale: 1" = 100'
Drawn by: SWP
Reviewed by: GC
Project: 913-005
Sheet: 3 OF 3
Field Book: NA
Party Chief: ADM
Survey Date: 06/19/2020
X: Underpinning (Underpinning) V03-005 Copies Landing CAD View Active -
Landing V03-005 - JMD_4 Plotting

DA DOUCET & ASSOCIATES
Civil Engineering - Planning - Geospatial
7401 B. Highway 71, Suite 100
Austin, Texas 78735, Phone: (512)-583-2400
www.doucetandassociates.com
LIFE Firm No.: 01059800
LIFE Firm No.: 01059800

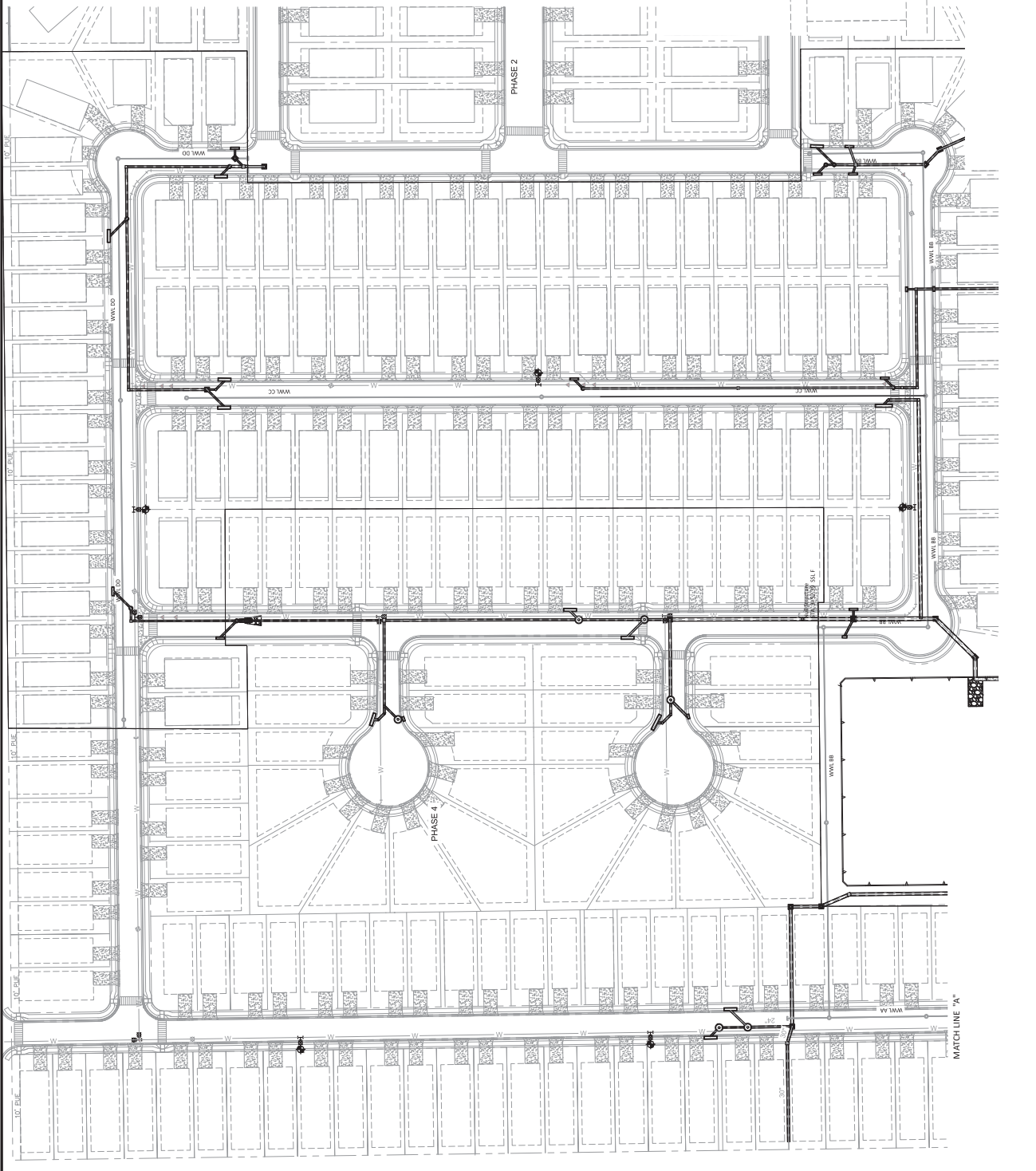


GRAPHIC SCALE: 1"=40'

LEGEND

- IRON ROD FOUND
- FIRE HYDRANT
- SON
- POWER POLE
- DOWN GUT
- SEWER BOUNDARY
- LOT LINES
- ASIMULTS
- 25YR FLOODPLAIN
- 100YR FLOODPLAIN
- 100YR FLOODPLAIN (FEMA)
- PROPOSED WATER
- PROPOSED WASTEWATER
- PROPOSED WASTEWATER (SFP-20)
- PROPOSED WASTEWATER (SFP-20)
- PROPOSED STORM INLET
- PROPOSED STORM PIPE

- NOTES:
- CITY INSPECTOR MUST BE PRESENT FOR ALL TESTS AND CONNECTIONS TO EXISTING UTILITIES.
 - WASTEWATER VALVES SHALL OPERATE IN OPPOSITE TURN DIRECTION AS WATER VALVES.





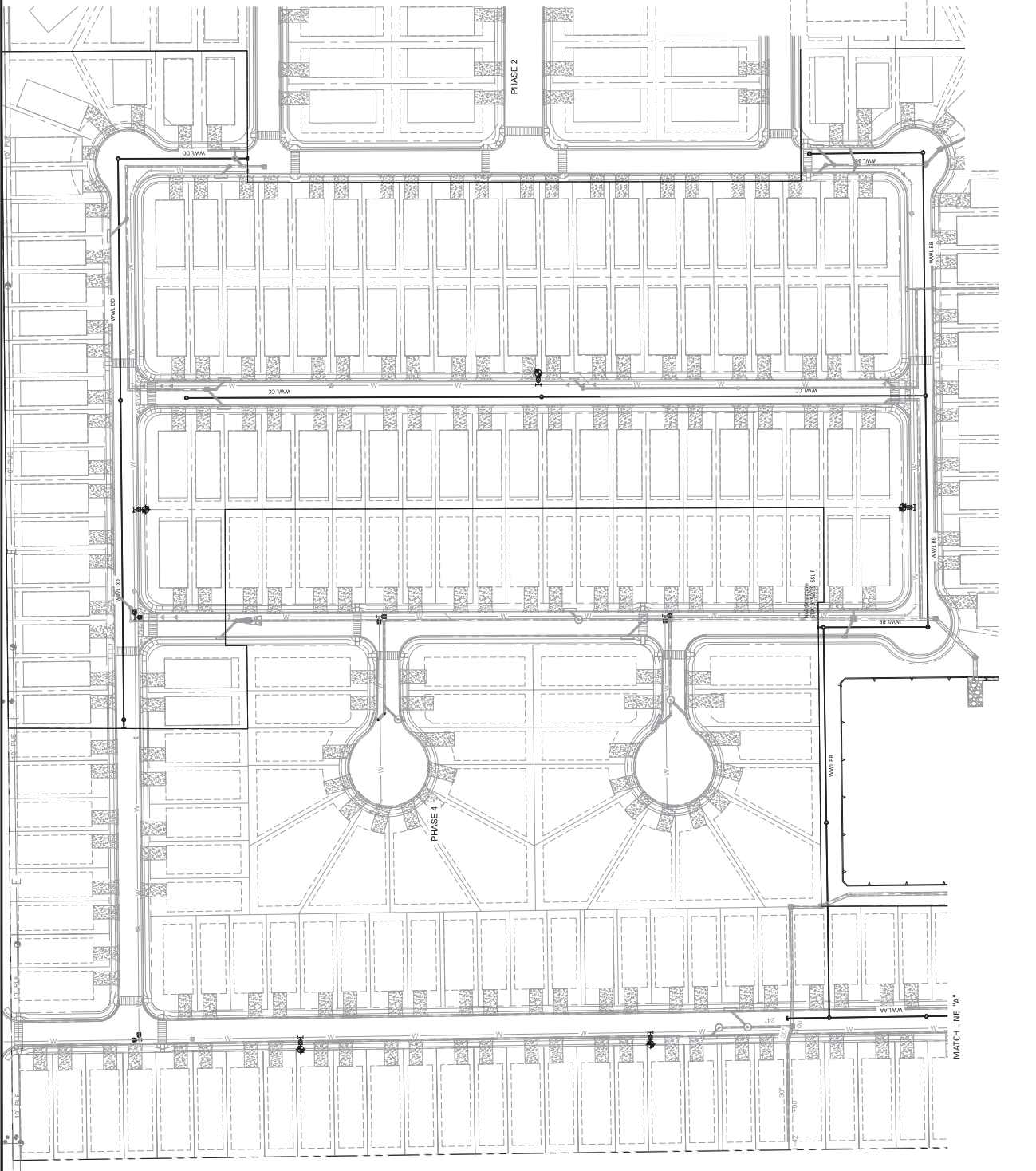
GRAPHIC SCALE: 1"=40'

LEGEND

- IRON ROD FOUND
- FIRE HYDRANT
- SON
- POWER POLE
- DOWN GUT
- SEWER BOUNDARY
- LOT LINES
- ASIMULTS
- 25YR FLOODPLAIN
- 100YR FLOODPLAIN
- 100YR FLOODPLAIN (FEMA)
- PROPOSED WATER
- PROPOSED WASTEWATER
- PROPOSED WASTEWATER (SFP-20)
- PROPOSED WASTEWATER (SFP-20)
- PROPOSED STORM INLET
- PROPOSED STORM PIPE

NOTES:

1. CITY INSPECTOR MUST BE PRESENT FOR ALL TESTS AND CONNECTIONS TO EXISTING UTILITIES.
2. WASTEWATER VALVES SHALL OPERATE IN OPPOSITE TURN DIRECTION AS WATER VALVES.



Attachment 4
TRC Approval Letter



505 East Huntland Drive
Suite 250
Austin, Texas 78752

T 512.454.8716
TRCcompanies.com
T.B.P.E. #F-8632

February 16, 2022

Mr. David Harrell, Development Services Director
City of Elgin
310 N. Main St.
Elgin, Texas 78621

RE: Eagle's Landing Phase 3&4 – Preliminary Plat Review

Dear Mr. Harrell:

TRC has reviewed the following documents listed below submitted on February 16, 2022 by Doucet & Associates. (DA):

1. Preliminary Plat dated February 16, 2022.
2. Other supporting documents submitted with the preliminary plat: Comment Response Letter, Preliminary Utility Plans.

Our review finds that this document has been prepared in general conformance with the City of Elgin's Code of Ordinances.

As TRC did not provide the detailed design of the submitted documents, TRC and the City of Elgin must rely on the adequacy of the Registered Professional Land Surveyor and Registered Professional Engineer that prepared the documents and all responsibility for the surveying, engineering design and submitted documents shall remain with the Registered Professional Land Surveyor and Registered Professional Engineer.

If you have any questions regarding this information, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. Beau Perry".

K. Beau Perry, P.E.
Vice President

cc: Mr. Christopher A. Reid, P.E., Doucet & Associates
Mr. Blake Reed, Timmerman Capital



Development Services Department

STAFF REPORT

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

Date: February 15, 2022

Hearing Dates: Planning & Zoning Commission – February 28, 2022
City Council – March 15, 2022

REQUEST SUMMARY

This item was tabled through the October - December 2021 meeting dates. On January 19, 2022, the Commission held a special meeting to go through all the changes. From the meeting City Staff has modified the proposed Code to include the changes as discussed in **yellow highlight**. Those changes are as follows:

1. Modified definition in Sec. 48-4 of “*site development application, minor*” to increase square footage from 1,000 to 1,500 sq. ft. that will qualify to meet this standard.
2. Modified standards in Secs. 48-6, 48-11, 48-40, to allow “record drawings” along with as-builts.
3. Modified standards in Sec.48-52 to increase required submittal of traffic impact analysis from 50 to 100 average daily trips.
4. Added Sec. 48-73 regarding percentage exclusion rule for tree mitigation to allow exclusion for payment of tree inches removed on some sites.
5. Modified wording in Sec. 48-110 to make its meaning less confusing.

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.

ATTACHMENT(S)

Additional information is provided through attached exhibit(s).

1. Proposed Ordinance with Exhibit "A".

ORDINANCE NO. 2022-03-15-??

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 15th day of March 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, property, 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 of a tree that 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 to 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.

EXHIBIT “A”

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.

EXHIBIT “A”

- (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 or record drawings 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:

EXHIBIT “A”

- (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;

EXHIBIT “A”

- (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 or record drawings 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

EXHIBIT “A”

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:

EXHIBIT “A”

- (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:

EXHIBIT “A”

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.

EXHIBIT “A”

Sec. 48-40 – As-Builts or Record Drawings.

- (a) *Required.* After all inspections have been approved by the City, the applicant's State licensed engineer shall provide the As-builts or record drawings 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 or record drawings 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.

EXHIBIT “A”

- (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 **one hundred (100)** 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;

EXHIBIT “A”

- (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.
- (d) *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.
- (e) *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.
- (f) *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.
- (g) Criteria for decisions regarding TIA.

EXHIBIT “A”

- (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, **at a proportional cost**, 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 **at a proportional cost**, 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 Mitigation Removal Credit.

On lots where significant and heritage trees exist and will be removed by an applicant, a specific number of removed tree inches from the total removed tree inches will qualify for a credit whereby an applicant will not re-plant or pay fee-in-lieu for the removed tree inches. These credits will apply as follows:

- (a) Fifty (50) – ninety (99) removed tree inches will receive a ten percent (10%) credit for all significant or heritage trees on-site.
- (b) One hundred (100) – one hundred and ninety-nine (199) removed tree inches will receive a twenty percent (20%) credit for all significant or heritage trees on-site.
- (c) Two hundred (200) or more removed tree inches will receive a thirty percent (30%) credit for all significant or heritage trees on-site.

EXHIBIT “A”

- (d) Credits with this Section shall first be applied to the smallest trees to the largest trees for significant tree. If credits remain after all significant trees are counted, then the smallest trees to the largest trees for heritage trees.

Sec. 48-74 – 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. 48-75 – 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.

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.

EXHIBIT “A”

- (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.

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

EXHIBIT “A”

- (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.
 - (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

EXHIBIT “A”

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 easements, vehicular connections, or non-vehicular connections.* The access easement, vehicular connection, or other non-vehicular connection shall maintain the same width between developments 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.

- (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.

EXHIBIT “A”

- (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.

- (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.

EXHIBIT “A”

- (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.



Development Services Department

STAFF REPORT

Review and Discuss Future North-South Arterial Connection from the Creeks Crossing Subdivision.

Date: February 15, 2022

REQUEST SUMMARY

With the new development occurring on the north and west sides City Staff believes its time to discuss these proposed road systems with the Commission. In review of the attachment the following below is a legend:

Blue Dashed Lines – Idea to run a Collector (no differentiation between major and minor)

Blue Solid Lines - Location or proposed location to run a Collector (no differentiation between major and minor)

Green Dashed Lines – Idea to run an Arterial (no differentiation between major and minor)

Green Solid Lines – Location or proposed location to run an Arterial (no differentiation between major and minor)

ATTACHMENT(S)

Additional information is provided through attached exhibit(s).

1. Concept Overview.

CONCEPTUAL PLAN
OVERVIEW



Potential
Taylor Rd &
SH 95 Inter.

To Ave. F -
SH 95 Inter.





Development Services Department

STAFF REPORT

Review, Discuss, and Provide Input for Future PDD Rezoning for Poth Tract.

Date: February 17, 2022

WORKSHOP SUMMARY

The purpose of this meeting is to allow the Commission to review what has been submitted so far, discuss, and offer input on this proposed item. Please be aware City Staff has removed some of the PDD pages to shorten the packet size, however the actual application, Parks and Recreation Advisory Board comments, PDD development text, and Concept Plan has been retained for this meeting. Staff has also provided an ETJ-City Limits Map and zoning map to assist with the overall development pattern of the area. The lot indicated as “Site” is the lot in question.

POTH TRACT PDD

This is a tract of land that was annexed into the City on January 4, 2022, under an annexation development agreement. These agreements indicate when development of a site occurs, it must file for annexation into the City. At the time of annexation, the parcel automatically receives an R-1 zoning. The PDD is proposing reduced lot sizes and consists of 107 residential lots and 3 commercial lots at 17.56 acres in size along U.S. Hwy 290. A spine road will connect the development to U.S. Hwy 290 with an access road to the Elm Creek NW subdivision located outside the City limits within Municipal Utility District (MUD) 14. The site border the Brickston development on the west. The PDD text and concept plan, has been included for review.

City Limits



2/14/2022, 8:38:16 PM

Elgin City Limits

 FULL PURPOSE

 Travis Parcels July 2021

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

Web AppBuilder for ArcGIS
Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community | Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community | TRC GIS, City of Elgin |

Zoning Map



2/14/2022, 8:40:26 PM

Zoning

R1 - Single Family

Travis Parcels July 2021

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

Parks Advisory Board Meeting: 1/24/2022

Poth PDD Feedback

- Confirm that residential is paying appropriate Parkland Dedication Fees.
- Confirm sidewalk connectivity to commercial property and adjacent neighborhoods.
 - Bike lanes on thoroughfares for connectivity to commercial property a bonus.
- Are there any considerations for heat islands, impermeable surfaces, etc.?
 - Additional tree plantings, vegetative borders, etc.

AGREEMENT AND DEVELOPMENT PLAN

Poth Tract

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 Lennar Homes of Texas Land and Construction, Ltd , 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 36.92 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 _____, 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;

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 36.92 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 agreement. 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”, the Agreement shall supersede the specific conflicting provisions of the Exhibit “C”.

4.1.1 Variances

- The minimum residential dwelling size shall be 800 square feet of living area
- The minimum setback shall be 20' from the property line.
- For dwellings, there shall be a minimum lot width of 40 feet at the building line
- For dwellings located on interior lots, there shall be a side yard on each side of the main building of not less than five feet for dwellings of one and two story.
- Main and accessory buildings shall not cover more than 75 percent of the lot area.

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 **Exhibit B** attached hereto and incorporated herein. The Concept Plan depicts the Development Plan for the property, which reflects the physical layout and the uses allowed in the PDD. Minor alterations to the Concept Plan may be administratively as part of the Final Plat and/or Construction Plan application processing. A property owner's association governing the residential and commercial properties will be developed before certificate of occupancy.

As depicted on the Concept Plan, approximately 17.56 acres along the frontage of US Highway 290 shall be designated as a base zoning of C-2 General Commercial and approximately 19.36 acres shall be designated as a base zoning of R-3 Single-Family.

The permitted uses for the R-3 Base Zoning:

- Detached single-family dwelling
- 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 park and playground
- Library
- Growing of farm products
- Municipal use
- Telephone exchanges
- Home occupations
- 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
- Uses customarily incidental to any of the uses set forth in this section when located upon the same lot and not involving the conduct of a business.
- Fence, a fence, hedge or enclosure wall
- Garage apartments

- Duplex.
- Zero lot line two-family dwelling
- Industrialized housing.

The permitted uses for the C-2 Base Zoning:

- Advertising signs or structures
- Ambulance service, office or garage
- Amusement enterprises
- Antique shop
- Appliance shop
- Artists materials, supply studio
- Arts school, gallery or museum
- Automobile parking lot
- Automobile retail gasoline service station
- Baby shop
- Bakery
- Bakery goods store
- Bank
- Barbershop
- Bathhouse
- Beauty shop
- Billiard hall
- Boat sales
- Book or stationery store
- Bus terminal
- Cafe.
- Camera shop
- Candy store
- Catering establishment
- Cleaning plant, commercial laundry or dry cleaning
- Cleaning, pressing, laundry collection agency
- Clothing or apparel store
- Commercial school or hall
- Curio or gift shop
- Dairy products or ice cream store
- Delicatessen
- Department store.
- Dress shop
- Drug store or fountain
- Dry goods store
- Feed and fuel store
- Florist shop, greenhouse, nursery
- Frozen food locker
- Funeral parlor or mortuary
- Furniture repair and upholstery
- Furniture store
- Golf course, miniature or practice range
- Grocery store or supermarket
- Hardware store
- Heating, ventilating or plumbing supplies, sales and service
- Hospital for small animals
- Hotel
- Interior decorating store.(24)Ice storage locker plant, or storage house for food
- Jewelry or notion store
- Key shop
- Laboratories, testing and experimental
- Laundry
- Leather goods shop
- Lodge hall
- Meat market
- Medical facility
- Messenger or telegraph service
- Museums
- Musical instrument sales
- Newspaper or magazine sales
- Novelty club
- Novelty shop

- Nursery or garden supply store
- Office business
- Optometrists sales and service
- Outdoor advertising signs
- Pawn shop
- Pet shop
- Pharmacy
- Photographer studio
- Printing plant
- Radio and television sales and service
- Recreation center
- Research laboratories
- Restaurant
- Restaurant
- Sale of beer for off-premises consumption
- Self-service laundry or dry cleaning
- Sewing machine sales, instruction
- Shoe repair shop
- Sign painting shop
- Sporting goods sales
- Sporting goods store
- Stocks and bonds broker
- Storage warehouse
- Tailor shop
- Theater
- Toy store
- Toy store
- Travel store
- Travel trailer park
- Used automobile sales
- Variety store
- Wholesale distributing center.

Accessory buildings and uses customarily incidental to the uses set forth in this section

Any other store or shop for retail trade or for rendering personal, professional or business service which does not produce more noise, odor, dust, vibration or traffic than those listed in this subsection

A building used for any of the previously listed uses may not have more than 40 percent of its floor area devoted to purposes incidental to the primary use. No material or goods offered for sale or stored in connection with the uses previously listed shall be displayed or stored outside of a building.

The uses allowed in the PDD shall comply with what is permitted under City of Elgin Code.

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 US HIGHWAY 290**

All direct access from US Highway 290 shall be approved by Texas Department of Transportation (TxDOT) as required by State law. All necessary requirements of approval including but not limited to a Traffic Impact Analysis (TIA), infrastructure improvements, etc. shall be the responsibility of the Owner.

8. PARKLAND DEDICATION

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

8.1 Parkland Fee in Lieu of Required

A Parkland Fee in Lieu of shall be requested during the Site Development process.

9. SIGNS

9.1 All signs in the PDD shall conform to Chapter 32 of the City of Elgin Code of Ordinances.

10. WATER AND WASTEWATER

10.1 The development shall connect to the existing Municipal Utility District. 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.

11. WATER QUALITY, DETENTION, AND IMPERVIOUS COVER

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

12. DESIGN OF INGRESS OR EGRESS FOR DRIVEWAYS

12.1 This project will provide mutual access agreements on parking lots, driveways and adjoining properties as encouraged on Section 36-514.8 of the Code of Ordinances.

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

13.1 For dwellings there shall be a minimum lot width of 40 feet at the building line

13.2 For dwellings located on interior lots there shall be a side yard on each side of the main building of not less than five feet for dwellings of one and two story.

13.3 All other items shall adhere to standards set forth in the respective zone of C-2 for the commercial designated area and R- 3 for the residential designated area as noted on **Exhibit C**

13.4 Main and accessory buildings shall not cover more than 55 percent of the lot area.

14. **CHANGES TO AGREEMENT AND DEVELOPMENT PLAN**

14.1 **Minor Changes**

Minor changes to this Agreement or Plan, which do not substantially and adversely change this Plan, 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 10.1 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 Condominium Association responsible for, among other things, enforcement of deed restrictions required under this Agreement. The Association shall be created and deed restrictions recorded before commencement of any development on all or any portion of 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.

H.

BGE, INC.
1701 DIRECTORS BOULEVARD, SUITE 1
AUSTIN, TX 78744
TBPE Registration No. F-1046
TEL: 512-879-0400 www.browningay.com

[illegible]

DATE	APR

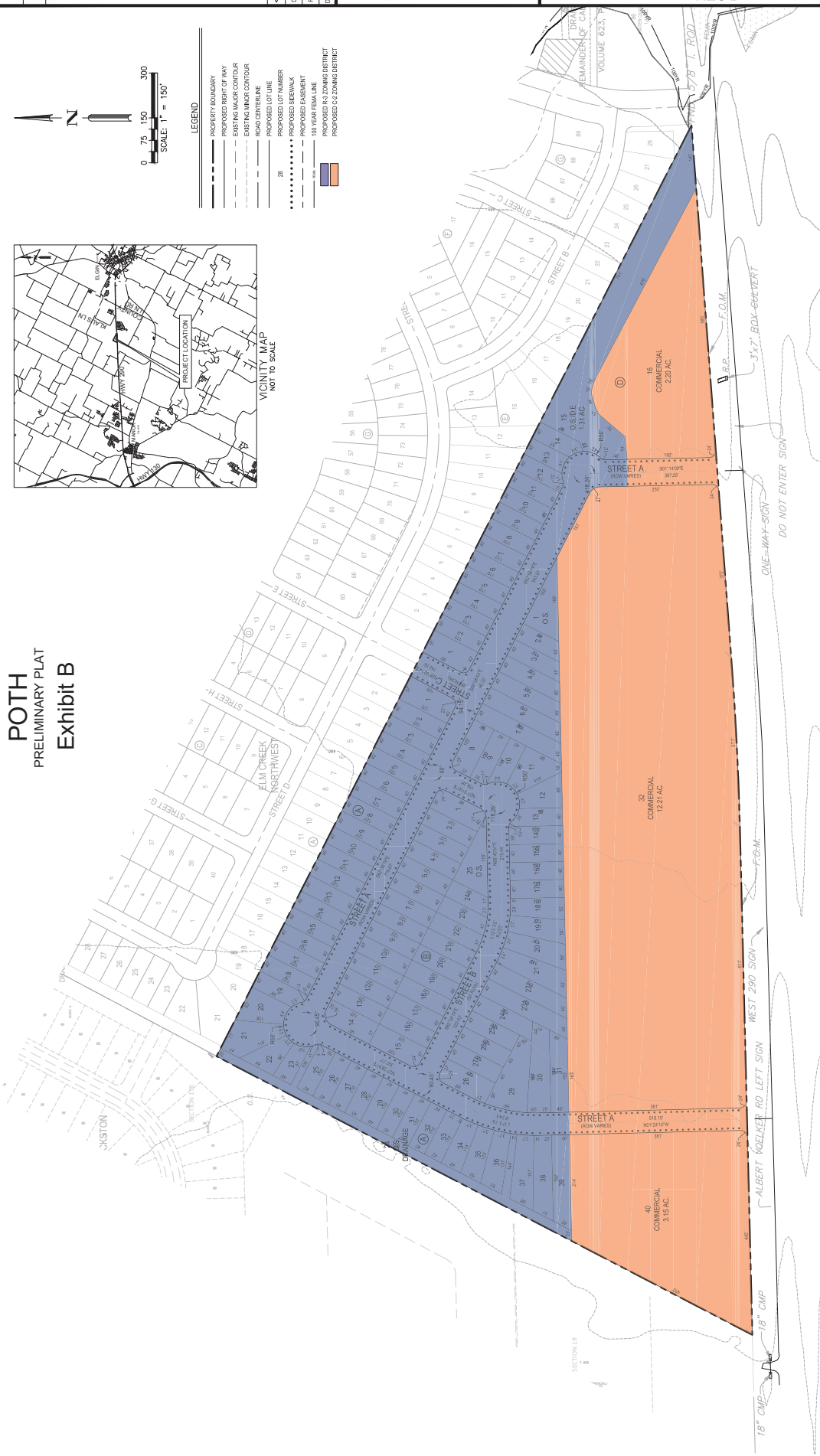
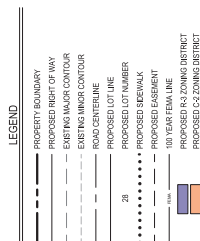
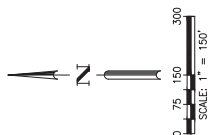


EXHIBIT C– “DEVELOPMENT STANDARDS”

- The minimum setback shall be 20’ from the property line.
- For dwellings, there shall be a minimum lot width of 40 feet at the building line
- For dwellings located on interior lots, there shall be a side yard on each side of the main building of not less than five feet for dwellings of one and two story.
- Main and accessory buildings shall not cover more than 55 percent of the lot area.
- All other items shall adhere to standards set forth in the respective zone of C-2 for the commercial designated area and R- 3 for the residential designated area as noted on **Exhibit C**



Development Services Department

STAFF REPORT

Review, Discuss, and Provide Input for Future PDD Rezoning for Larson Tract.

Date: February 17, 2022

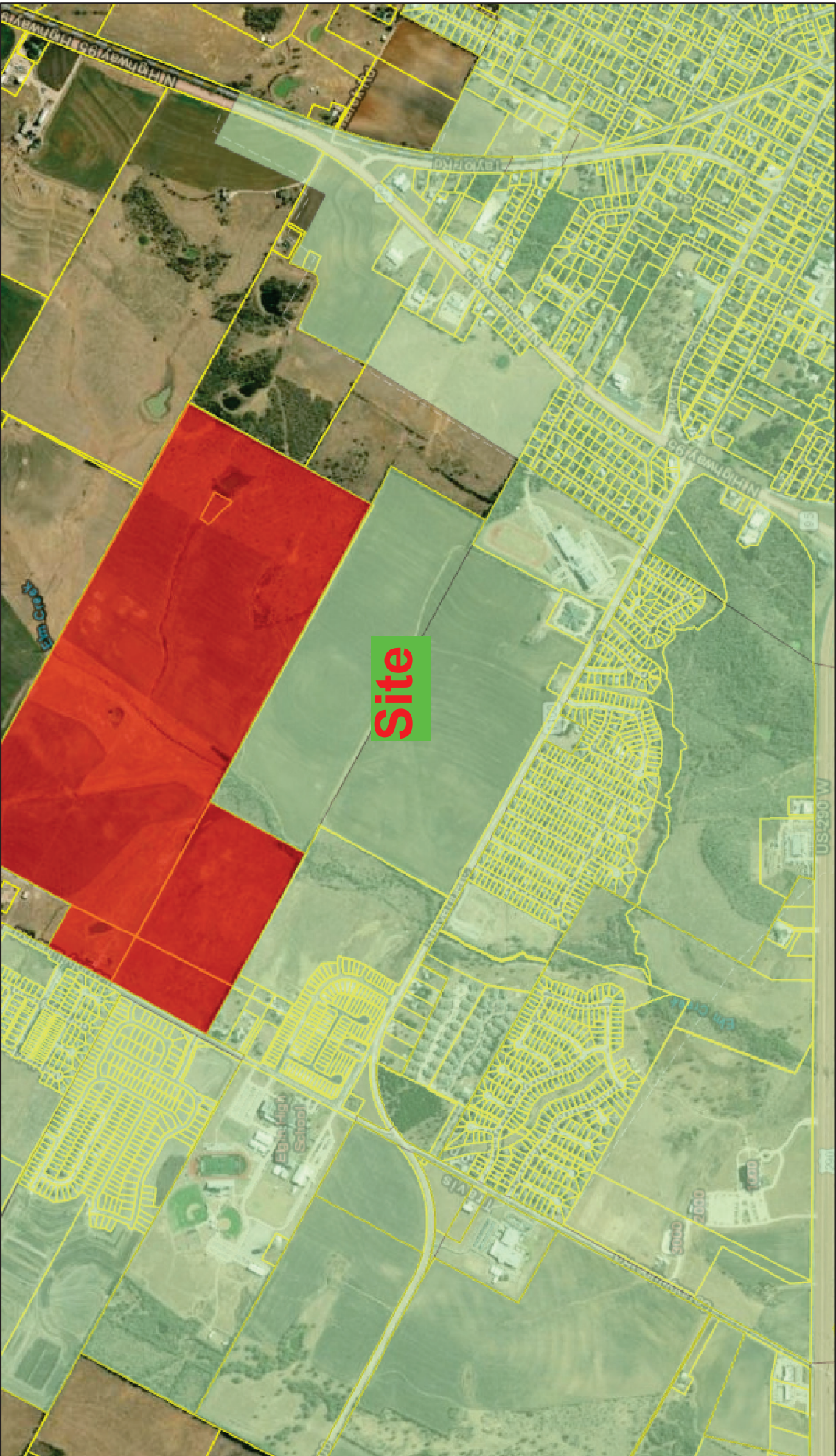
WORKSHOP SUMMARY

The purpose of this meeting is to allow the Commission to review what has been submitted so far, discuss, and offer input on this proposed item. Please be aware City Staff has removed some of the PDD pages to shorten the packet size, however the actual application, Parks and Recreation Advisory Board comments, PDD development text, and Concept Plan has been retained for this meeting. Staff has also provided an ETJ-City Limits Map and zoning map to assist with the overall development pattern of the area. The lot indicated as “Site” is the lot in question.

LARSON TRACT PDD

This was originally reviewed by the Commission in August 2021. At that time, the Commission offered individual input on the item. Approved Minutes indicate that some individual members expressed concerns about the smaller lots, if they were to be allowed what benefit would be gained for loosening zoning requirements. Since the initial review in October the applicant has revised the concept plan to include an extension of the collector roadway to SH 95 and include a commercial element at the intersection, tie in the middle school into the new roadway to eliminate access through Elgin Meadows, remove of 4.68 acres of public parkland in place of an additional 900 linear feet (2,600 instead of 1,700) of trails in the floodplain. The original plans from August 2021, have been provided as an attachment.

City Limits Map



2/14/2022, 8:46:08 PM

Elgin City Limits

Travis Parcels July 2021

LIMITED PURPOSE
FULL PURPOSE

Bastrop Parcels July 2021

1:18,056

0 0.13 0.25 0.5 mi

0 0.2 0.4 0.8 km

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

Web AppBuilder for ArcGIS
Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community | Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community | TRC GIS, City of Elgin |

Zoning Map



2/14/2022, 8:44:12 PM

Travis Parcels July 2021

Bastrop Parcels July 2021

Zoning

A - Multiple Family Residential District

C1 - Neighborhood Shopping District

C2 - General Commercial District

C3 - Highway Commercial District

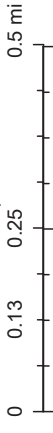
I - General Industrial District

PDD - Planned Development District

R1 - Single Family

R2 - Single Family & Garage Apartment District

1:18,056



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

Parks Advisory Board Meeting: 1/24/2022

Larson Tract PDD Feedback

- Floodplain land only accounts for 50% but it is unclear how the development plans to make up the missing acreage defined in our ordinance. Noted by David Harrell as well.
- Greenbelt path needs to be a paved surface, either asphalt, concrete or bonded rubber mulch.
 - Mulch trails only last a few months or until the first rain.
 - If mulch is maintained by the HOA there needs to be a clear outline on the timeframe for replacement and upkeep.
- Additional amenities need to be provided along greenbelt:
 - Picnic Tables
 - Benches
 - Dog Waste Stations
 - Trash Cans
 - 18-Hole Disc Golf Course (optional)
- Clarify parking spaces to be located at the trailhead:
 - How many parking spaces?
 - What prevents residents from using them as extra household parking?
- Clarify “Restroom Pavilion”
 - Who is building this?
 - Who is maintaining it and on what schedule?
- Clarify signage plan for indicating public green space access point for non-residents.
 - From neighborhood entrances/main roads
 - Within neighborhood
- Safety elements in neighborhood, example: crosswalks, streetlights, bike lanes, etc. that lead to the public green space in addition to the school.
- Tree planting efforts continued through green belt including evergreen and deciduous trees.
- If improvements are not being made to the greenbelt to accommodate enjoyable public usage, will improvements be made to Shenandoah Park or other adjacent parkland?

II

DEVELOPMENT 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 197 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 for R-1, Single Family, and C-1, Neighborhood Shopping zoning districts 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 single-family homes and mail kiosk, as shown in the Concept Plan, **Exhibit "B"** attached hereto and incorporated herein. The Concept Plan may be altered to accommodate the inclusion of certain out-parcel along FM 1100/Avenue C, noted on the Concept Plan, with written consent from the City Manager, which such consent shall not be unreasonably withheld, conditioned or delayed. The commercial site shown on Exhibit B shall be used and developed consistent with C-1 related uses as allowed by the City Zoning Code.

Exhibit "C", Development Standards, depicts the development standards for the Residential and Commercial parcels within the Property.

6. **UNDERGROUND UTILITY SERVICE**

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

7. **ROADWAY IMPACTS**

7.1 **City Participation**

City agrees the developer will not be responsible for costs associated and related to the design and construction of adjacent roadway improvements, including, but not limited to improvements to FM 1100 ("Adjacent Roadway Project" or "Adjacent Roadway Project Costs") in accordance with the design plans as provided by the City, which shall include curbed and guttered roadway and associated storm sewer and utility improvements.

7.2 **Developer Participation**

Developer agrees to pay for all costs related to the design and construction of all roadway improvements within the Project, which includes a new north and south Minor collector with a Right of Way dedication of sixty feet (60') (the "Boulevard Project") interior to the Project identified in the City's current Comprehensive Plan dated May 2016. Developer also agrees to pay for acquisition and improvements of the offsite Right of Way necessary to extend the Boulevard Project from the current project boundary to SH 95. The Boulevard Extension Project shall be constructed in not less than 5 phases consistent with the development of the Project. Developer's contribution of the Boulevard Extension Project Costs shall be in lieu of, and Developer shall not be subject to an impact fee for the Adjacent Roadway Project or any other City roadway projects in mitigation of project generated traffic.

7.3 **Developer Participation Schedule**

As noted above, as consideration for the Boulevard Extension Project, Developer shall not be required to participate in the Adjacent Roadway Project or required to pay any impact fees for offsite roadway projects.

8. **PARKLAND DEDICATION**

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

8.1 **Open Space, Trail and Related Improvements**

The Project will provide approximately 20.74 acres of public space and floodplain (approximately 11% 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 include approximately 2,600 linear feet of six foot (6') wide, mulch nature trail along Elm Creek, from FM 1100 to the north Project boundary. (see Exhibit “B” for nature trail details). The location of the park improvements will be incorporated into the construction plans for each phase of the Property.

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 (Boulevard Extension Project, generally described as approximately 1,800 linear feet of street, sidewalk, drainage, signage, striping and lighting improvements) and fully fund the construction of a 2-lane minor collector with a Right of Way dedication of sixty (60) feet, from the east property boundary to SH 95, that is a greater contribution than just extending to the property limits. The Developer will also provide for eight (8) Public parking spaces (7 standard stalls and 1 van handicap space of appropriate width and depth to satisfy current City requirements) with direct access to the project’s public trail system. The design and location will be part of the construction plan application.

In addition, the Developer is providing public restrooms at the community trailhead, and enhanced pedestrian connectivity to Elgin Middle School with a 10-foot wide, concrete shared use path (SUP) along the south side of Boulevard and Boulevard Extension projects. The City of Elgin shall waive impact and tap fees associated with providing water and sewer service to the public restrooms.

8.3 **Tree Preservation Plan**

Due to the project site having no trees onsite, no Tree Preservation Plan will be required. A registered Landscape Architect, Engineer, or Surveyor shall provide a sealed letter stating no trees are onsite that are 8” in diameter or greater that are considered native or protected per City of Elgin code.

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 for signage as depicted on **Exhibit “E”**.

10. WATER AND WASTEWATER

The City of Elgin will provide water and sewer service to the site based on location of existing infrastructure. The Developer will be responsible for extending any existing utilities to the site. The general utility plan is depicted on **Exhibit “G”**.

10.1 Sewer Service

The 24” wastewater line currently under construction, is located at the Project boundary and no additional off-site extensions are required by the City. The City represents that the 24” wastewater line is of sufficient capacity to serve the Project. Any costs associated with increasing the size of the existing infrastructure, as necessary to serve any expansion of the Project Concept Plan described in Exhibit B, shall be paid for by the Developer. The City will cost participate in the event it elects to upsize the required infrastructure.

10.2 Water Service

The existing 12” water line located within the FM 1100/Avenue C right of way is located at the Project boundary and the Developer confirms no additional off-site extensions are required by the City. The City represents that the 12” water line is of sufficient capacity to serve the Project. Any costs associated with increasing the size of the existing infrastructure, as necessary to serve any expansion of the Project Concept Plan described in Exhibit B, shall be paid for by the Developer. The City will cost participate in the event it elects to upsize the required infrastructure.

10.3 CCN Territory

The Project as shown in Exhibit B is wholly within the City of Elgin’s sewer CCN territory as regulated by the Public Utility Commission (PUC). The Project as shown in Exhibit B is split between the City of Elgin’s water CCN territory and Aqua Water Supply Corporation CCN territory as regulated by the Public Utility Commission

(PUC). Developer agrees to pay for fees associated with transferring the water CCN from Aqua WSC to the City of Elgin. The area in question constitutes approximately 89.328 acres. The Developer at the time of final plat shall pay the City of Elgin \$3,900 per acre for the area within the final plat. Total costs shall not exceed \$348,379.20 for the entirety of the development as shown in Exhibit B.

11. WATER QUALITY AND DETENTION

11.1 Water Quality

The Project will not be required to provide water quality.

11.2 Detention

The Developer intends to provide no detention facilities and direct discharge runoff to Elm Creek. Developer shall be responsible for all studies and approvals as required by FEMA and the floodplain administrator for the City and Bastrop County. This may include but not be limited to a CLOMR and LOMR for the development. All mitigation costs required to show no rise of floodplain to upstream and downstream properties shall be borne by the Developer..

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.

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 required buffer zones per Sec. 36-312(b)(2) are hereby removed where Single Family lots are located per the Concept Plan.

13.3 Sidewalk-In-Lieu Fees

The Project shall not be required to construct sidewalks, nor be required to pay Sidewalk-In-Lieu Fees for frontage along FM1100/Avenue C, as this portion of sidewalk is included in the scope of the FM1100 roadway improvements. The sidewalk requirements along FM 1100 shall be met in full by Developer, at the Developer’s expense, by providing and constructing pedestrian access to Elgin Middle School within the interior of the Project, and also widen the standard 5’ wide sidewalk along the south side of the Boulevard Project and Boulevard Extension Project to a 10-foot wide Shared Use Path (SUP), as identified in **Exhibit “B”**.

13.4 Traffic Impact Analysis

The Owner shall not be required to perform a Traffic Impact Analysis (TIA) for the Project for the City of Elgin. The City of Elgin agrees to reasonably negotiate with TxDOT and the Developer to reduce or eliminate the need for a TIA for connection along FM 1100 and State Highway 95.

13.5 Right of Way Dedication

Developer will dedicate 1.35 acres of right of way for the future widening of FM 1100 as shown on **Exhibit “D”**.

14. PERIMETER IMPROVEMENTS

As noted above, the Project will dedicate 1.35 acres of Right of Way for the future widening of FM 1100/Avenue C to TXDOT. The HOA will maintain these areas until the widening work commences. The perimeter fencing shall be six (6) foot stained enhanced wood fence with metal posts per City requirements for which the HOA will be responsible to maintain the exterior appearance.

15. CHANGES TO AGREEMENT AND DEVELOPMENT PLAN

15.1 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 Exhibit “B”, 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.

15.2 Major Changes

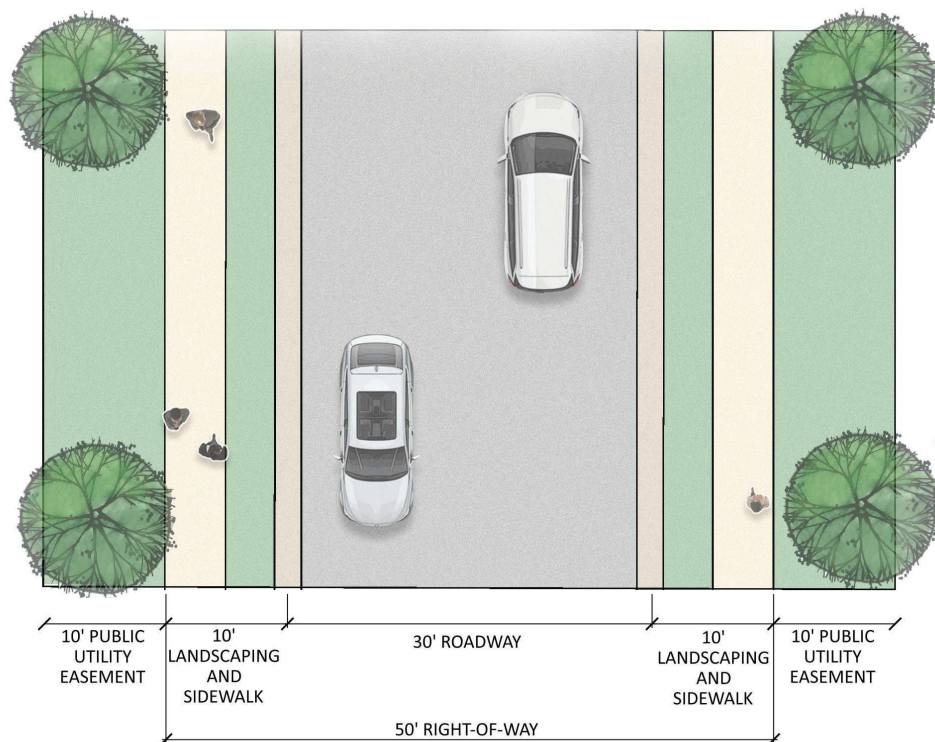
All changes not permitted under section 15.1 above, shall be submitted following the same procedure required by the original PDD application; provided, however, that nothing herein or otherwise shall require an owner of a portion of the Property (the “Rezoning Owner”) to obtain the consent or approval of any other owner of a portion of the Property for a change in zoning (including amending this Agreement) if such change only applies to the land of the Rezoning Owner.

15.3 Deed Restrictions and Creation of a Homeowner’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 Association shall be duly authorized, under applicable laws, to enforce the deed restrictions against

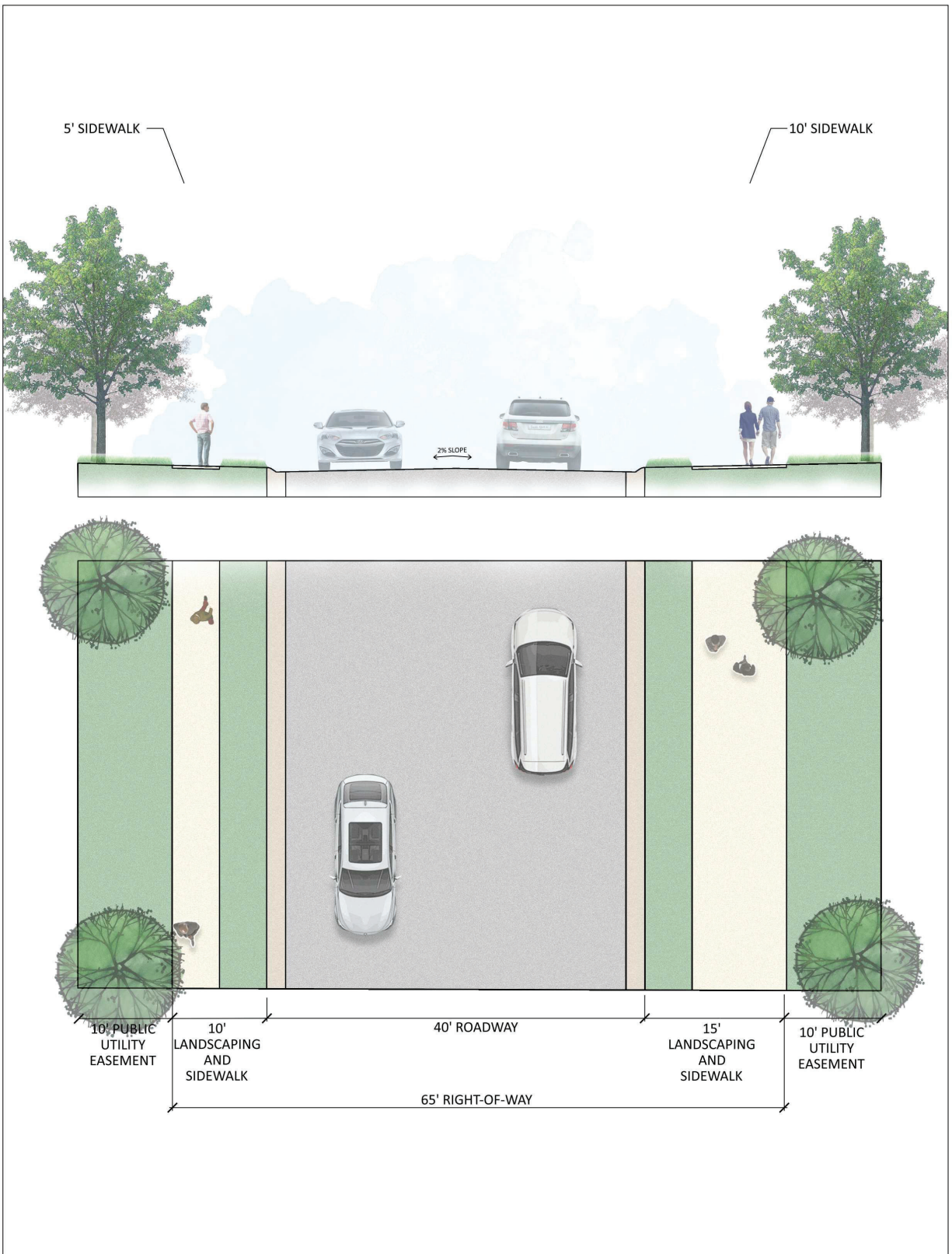
all owners and developers of land within the Property. Any deed restrictions, and amendments thereto, regulating development of the Property shall be recorded in the Official Public Records of Bastrop County, Texas. Any deed restrictions regulating development of the Property, and any amendments thereto, shall be subject to this Agreement. Such deed restrictions shall further include a statement that they are expressly subject to this Agreement and that, in the event of a conflict between the deed restrictions and this Agreement, this Agreement shall govern.

[Signature Page Follows]



STREET (50' R.O.W.) 2-LANE RESIDENTIAL LOCAL

Scale: 1" = 10'



BOULEVARD AND BOULEVARD EXTENSION (65' R.O.W.) MINOR COLLECTOR

Scale: 1" = 10'

EXHIBIT “C”
DEVELOPMENT STANDARDS

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”**.

The base district zoning of R-1, Single Family, has been established for the single family residential portion of the Property.

The base district zoning of C-1, Neighborhood Shopping District, has been established for the commercial portion of the Property depicted on Exhibit “B”.

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 requirements, the Elgin Code of Ordinances shall apply. In the event of a conflict between this exhibit and the identified base zoning district as defined in 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 838 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.
2. Building height shall be measured as the vertical distance from the front door threshold to the highest point of the roof.

<u>Table B.1</u> Residential Development Standards	
	FRONT LOAD A
Lot Width Minimum	45 ft.

Lot Depth Minimum	110 ft
Setbacks	
Front (min.)	20 ft.
Rear (min.)	10 ft.
Garage Setback (min.)	20 ft.
Side (min.)	5 ft.
Corner (min.)	15 ft.
Building Height	35 ft.
Minimum Lot Area	5,000 sq. ft.

C. Roadway Standards

1. Collector streets shall have a minimum centerline radius of 300 feet (300').
2. Minor streets shall not have a maximum centerline radius.
3. Residential streets may be designed with a six-inch (6") rollover curb consistent with the Typical Cross Section exhibits within this Agreement.
4. Sidewalks in front of residential lots will be installed during the installation of the residential landscape on said residential lot.
5. Sidewalks along roadways in which there is not a residential lot shall be constructed during installation of associated landscaping. Sidewalks and landscaping shall be installed along roadways within two years of construction of said roadway. Date of final acceptance by the City of Elgin shall constitute the beginning of said time.

D. Drainage and Grading

1. Drainage collection facilities may be constructed with a mix of open channel and underground storm sewers.
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 the Development Agreement. **Exhibit “E”** identifies the sign types, quantities and approximate 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 Development Services 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 “F”**. The graphics included in **Exhibit “F”** do not depict actual sign form, but rather the scale and massing that may be constructed.

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 six (6)) used to create a strong sense of place and guide people within the Project.

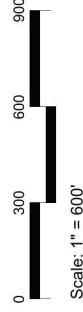
F. Sign Lighting

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 glare in the public right-of-way and adjacent properties.
2. Illumination may include lighted cabinet, halo lighting, wall wash up-lighting, landscape up-lighting, and under cap lighting.
3. Illumination may be white or colored.
4. Illumination must be steady. Flashing, moving, and intermittent lights are prohibited.



Exhibit "D" Public Open Space Plan



LARSON PROPERTY

SEC Planning, LLC

Land Planning + Landscape Architecture + Community Branding

AUSTIN, TEXAS
www.secplanning.com • info@secplanning.com



SHEET FILE: I:\210046-PLC\Drawings\PLANNING\Submittal\POD Submittal\Exhibit D_Parkland Exhibit_2022-02-17.dwg
Base mapping compiled from best available information. All map data should be considered as preliminary, in need of verification, and subject to change. This land plan is conceptual in nature and does not represent any regulatory approval. Plan is subject to change.



SIGN TYPES SUMMARY

COMMUNITY SIGNS

- E-P #** (3)
 Primary Community Entry
 To be located along FM 1100 at Owner's discretion. Detailed location plan to be submitted at time of sign permit application.
 Sign not to encroach into R.O.W.'s or P.U.E.'s.

SPECIAL SIGNS

- S-D #** (11)
 Directional/Lifestyle Sign
 Detailed location plan to be submitted at time of sign permit application.
 Signs not to encroach into P.U.E.'s.

Exhibit "E" Master Sign Plan



Scale: 1" = 600'

Date: February 16, 2022

LARSON PROPERTY

SEC Planning, LLC

Land Planning + Landscape Architecture + Community Branding

AUSTIN, TEXAS

www.secplanning.com • info@secplanning.com



SHEET FILE: I:\210400-PV\CLC\larsen\PLANNING\larsen\Map\PD Submittal\Exhibit E_Master Sign Plan.dwg
 Base mapping compiled from best available information. All map data should be considered as preliminary, in need of verification, and subject to change. This land plan is conceptual in nature and does not represent any regulatory approval. Plan is subject to change.

Attachment 1
Original Plans

EXHIBIT "B"

CONCEPT PLAN



SEC Planning, LLC
 LAND PLANNING • LANDSCAPE ARCHITECTURE • COMMUNITY BRANDING
 AUSTIN, TEXAS
 11000 RICHMOND AVE. • SUITE 1000
 TEL: 512.453.1100 • WWW.SECPLANNING.COM

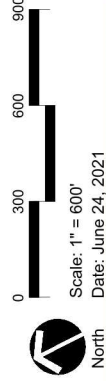
LOTING PLAN D
LARSON PROPERTY
PRIMA VESTA LAND COMPANY LLC
 ELGIN, TEXAS

North
 Scale: 1" = 400'
 Date: August 3, 2021

This mapping is for informational purposes only and does not constitute a contract. It is not to be used for any other purpose. All map data should be considered as preliminary. In need of verification, and subject to change. This land plan is submitted in reliance and does not represent any regulatory approval. Plans are subject to change.



Exhibit "D" Public Open Space Plan



LARSON PROPERTY

SIGN TYPES SUMMARY

COMMUNITY SIGNS

E-P # (2)

Primary Community Entry
To be located along County Line Road
and North Avenue C at Owner's
discretion. Detailed location plan to be
submitted at time of sign permit
application.
Sign not to encroach into R.O.W.'s or
P.U.E.'s.

SPECIAL SIGNS

S-D # (8)

Directional/Lifestyle Sign
Detailed location plan to be submitted
at time of sign permit application.
Signs not to encroach into P.U.E.'s.

FACILITY SIGNS

F-1 # (2)

Facility Sign
Detailed location plan to be submitted
at time of sign permit application.
Signs not to encroach into P.U.E.'s.



100-YEAR FLOODPLAIN

ELGIN MIDDLE SCHOOL

Exhibit "E"
Master Sign Plan



Scale: 1" = 600'
Date: June 3, 2021

LARSON PROPERTY

SEC Planning, LLC

Land Planning + Landscape Architecture + Community Branding

AUSTIN, TEXAS
(512) 249-7670
www.secplanning.com • info@secplanning.com



SHEET FILE: 1321040-PVLCG\Drawings\PLANNING\Submittals\POD Submittals\Exhibit E_Master Sign Plan.dwg
Base mapping compiled from best available information. All map data
should be considered as preliminary, in need of verification, and
subject to change. This land plan is conceptual in nature and does not
represent any regulatory approval. Plan is subject to change.