



City of Dripping Springs

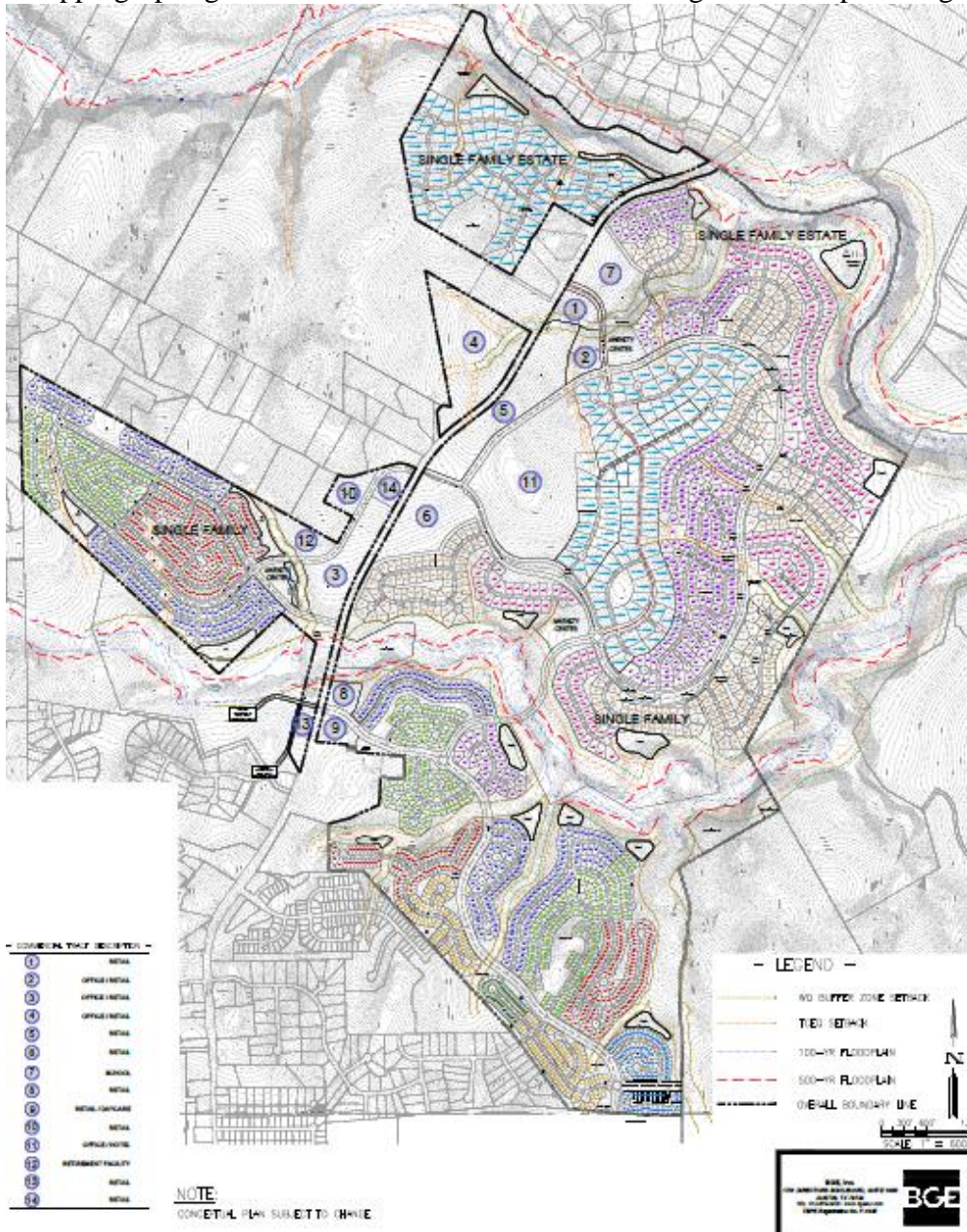
Post Office Box 384
 511 Mercer Street
 Dripping Springs, Texas 78620

Agenda Item Report from: Laura Mueller, City Attorney; Leslie Pollack, Transportation Engineer; David Tuckfield, Utility Counsel; Brent Luck, Parks Consultant

Meeting Date:	August 24, 2021
Agenda Item Wording:	Public hearing and consideration of recommendation regarding an ordinance approving DA2020-002: an application for an Amended and Restated Development Agreement for the Anarene/Double L tract as an update to the 2015 Amended and Restated Development Agreement on RR 12 north of 290 including an increase in density, roadways, parks improvements, and related changes. Applicant: Pablo Martinez, BGE, Inc.
Agenda Item Requestor:	Pablo Martinez, BGE, Inc.
Applicant:	Pablo Martinez, BGE, Inc.
Owner:	Double L Development, LLC
Date of Application:	April 20, 2020
Staff Recommendation	Approval as presented with minor clarification on landscaping requirements.
Blue Lined – Anarene Ranch Light Gray-City Limits 1675 acres Proposed Site of Anarene/Double L	

Summary/Background:

The applicant is requesting an amendment to their Development Agreement. The new proposal would increase residential units from 1,677 to 2,222 units and lessening the commercial uses. The tract is approximately 1677-acre tract of land, generally located North of the city on RR 12 on both sides of the road. It is the Hill tract. It is an established ETJ MUD. There is no base zoning because it will remain an ETJ property, but the average density will be 1.4 units per acre. The lots of residential are a mix of lots from 35-foot to acre estate lots. There is also a section of proposed garden homes (35 and 40 foot lots). The commercial is adjacent to RR 12. They are also proposing to donate additional land for a new school having originally donated the land for the Dripping Springs Elementary School. The owner has also already donated 25 acres to Dripping Springs Ranch Park which resulted in the original development agreement.



Location:

The property is located north of U.S. Highway 290, east and west of RR 12, west of Headwaters Subdivision and just north and east of DSRP.

Physical and Natural Features:

The property contains a few single family residences but is primarily vacant, with tree coverage and multiple hilltops.

Surrounding Properties:

The eastern portion of this property is located adjacent to Headwaters Subdivision and Rathgeber Natural Resource Park north of the core of the City of Dripping Springs, which has less dense development patterns. There has been rapid growth just east and south of this area of the City, therefore making it essential to coordinate densities as the property pushes away from the core.

History:

Original Development Agreement – 2012 – 1,696 Acres

- 25 acres dedicated to Dripping Springs Ranch Park – which fulfilled all parkland dedication requirements for the whole parcel
- Applicable Rules from 2012
- Created the MUD
- 30-year term (2042)

Amended Development Agreement – 2015 – 1,677 acres

- 245 acres of open space/parkland including the 25 acres of Dripping Springs Ranch Park
- Trails to be determined later
- Hilltop Preservation
- Applicable Rules from 2012
- 1,677 residential dwelling units
- 700 acres Single Family
- 157 acres Single Family Estate Lots
- 138 acres Mixed Use Residential
- 238 acres Commercial
- 67 acres of Roads
- 6,000 square foot lot size minimum
- 1,710 Water and Wastewater LUE
- No Fiscal Security
- 30-year term (2045)

Initial Amended Development Agreement Proposal – 2020 – 1,677 acres

- 345 acres of Parkland out of 474 acres of Open Space
- Trails to be determined later
- Hilltop Preservation
- Applicable Rules from 2012
- 2,843 residential dwelling units including 435 multi-family units plus up to 10%

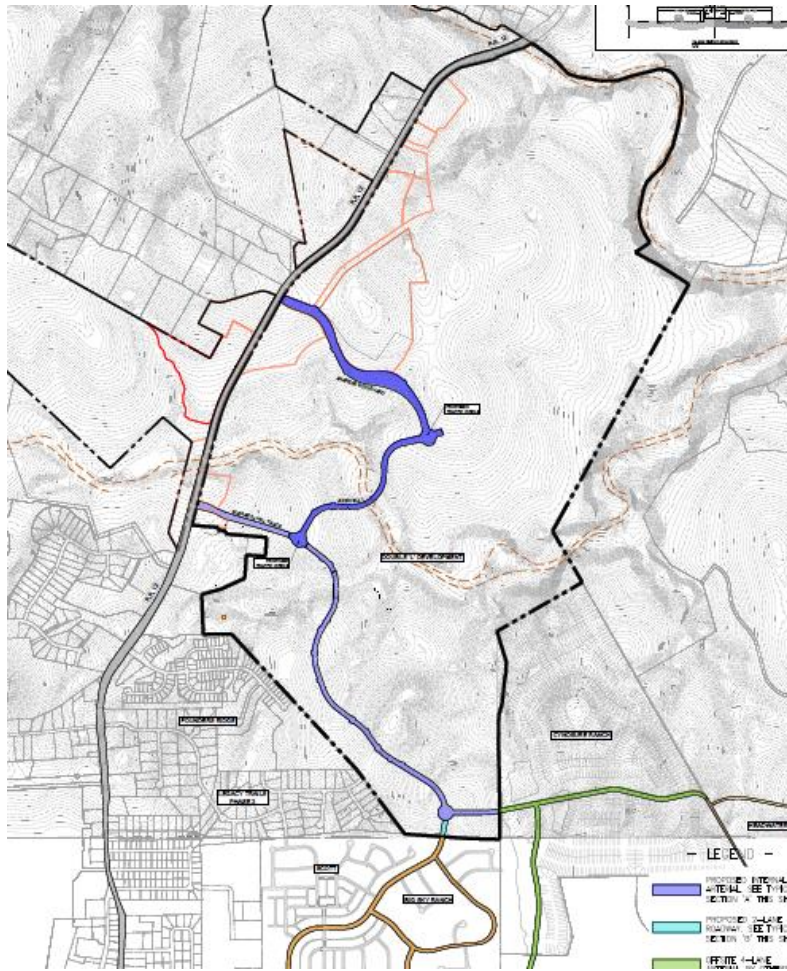
increase

- 1,207 acres Single Family
- 265 acres Single Family Estate Lots
- 26 acres multi-Family
- 177 acres Commercial
- 3,393 Water and Wastewater LUEs
- Sign Ordinance would not apply
- No Fiscal Security
- Roads don't need approval
- 45-year term (2057)

Current Amended Development Agreement Proposal – 2020 – 1,677 acres

- 345 acres of Parkland out of 474 acres of Open Space
- Hilltop Preservation
- Primary Trail between DSRP and Eastern border of project with potential connection to Rathgeber Natural Resource Park
- \$648 Park Development Fee per residential unit over 1710 residential units minus the cost of the Primary Trail
- Driveway Connect for DSRP through Commercial Section
- Lighting Ordinance from 2017 (stricter)
- Landscape Ordinance
- 2,444 residential dwelling units including 250 senior living multi-family units
- 3,500 minimum lot size
- 189 acres Single Family Estate Lots
- 6 acres Senior Living Multi-Family (No other multi-family)
- 200 acres Commercial
- Buffers between project and residential lots in Legacy Trails and Founders Ridge
- Water and Wastewater LUEs based on 2695 residential units and 200 acres commercial
- Sign Ordinance applies-Master Sign Plan later
- Fiscal Security
- Priority roads provided in phased approach including start and completion dates and 4 lane arterials
- 20-year term plus possible 10-year extension (2041/2051)

Transportation Master Plan :



City staff initially requested the following improvements from the Anarene Development:

1. Construction of a four-lane major arterial between RM 12 and US 290 prior to connection of the Wild Ridge four-lane roadway to the shared property line.
2. Additional transportation improvements on RM 12 as required by TxDOT.
3. Additional transportation improvements as identified in the Traffic Impact Analysis.

The Anarene Development has agreed to the following:

1. Construction of a four-lane major arterial between RM 12 and US 290, phased with development.
2. Construction of a traffic signal at the northernmost access on RM 12 when warrants are met.
3. Construction of right-turn lanes on RM 12 at the two primary access points with Phase 1 of the development.
4. The Traffic Impact Analysis has been approved for Phase 1. Additional off-site and on-site transportation improvements will be required as identified with completion of a full Traffic Impact Analysis.

The transportation improvements proposed to be constructed by the Anarene development are those that provide additional roadway capacity. These improvements align with the City's transportation priorities. The construction of a four-lane arterial between RM 12 and US 290 provides needed mobility in this quadrant of the City.

Utilities:

The subject property is within the City of Dripping Springs service area for wastewater and water. Wastewater and water services have been secured through agreements with the City of Dripping Springs. The City shall be the retail wastewater provider for the development. The City shall be a wholesale water provider to the development for 15 years, after which it will take over as the retail water provider.

The Water Agreement provides for 1710 LUEs, but also provides for “[a]utomatic reformation of the number of LUEs for the Proposed Development . . . upon the appropriate amendment to the Development Agreement. Notwithstanding the automatic reformation, because of changes in circumstances since the execution of the Water Agreement in 2018, the City is working with the Developer to amend the Water Agreement to acknowledge the appropriate location for water facilities and so that the number of LUEs match the LUEs set forth in the Development Agreement.

The Wastewater Agreement provides for 1710 LUEs, but the parties are working on an amendment to that Agreement to (1) increase the total LUEs to match the Development Agreement, and (2) to add provisions that allow the development to construct a “scalping plant” until the East Interceptor and the Discharge Facilities are constructed by the City. A scalping plant is a wastewater treatment plant that will be operated under the City's permit, and the treated water will be used for beneficial re-use on the site. Scalping plants allow permittees to make use of beneficial reuse without the need of transporting the raw sewage all the way to the treatment plant and then having to transport the treated effluent back to the source. A scalping plant is vastly preferable to the temporary facilities currently contemplated in the agreement – pump and haul or a new permit.

Electricity will be provided through Pedernales Electric Cooperative (PEC).

Development Agreement Regulations:

The Amended Development Agreement has a variety of residential units including garden homes, 40, 50, 60, 70 ft width lots up to one acre estate lots. It also includes senior multi-family as well as up to 200 acres of commercial acreage. The lots have been arranged so as to transition from one lot size to another and to complement adjacent projects and subdivisions.

RESIDENTIAL LOT COUNT TABLE			
LOT TYPE	EAST TRACT	WEST TRACT	TOTAL
35'	37	-	37
40'	97	-	97
45'	153	-	153
50'	192	175	367
60'	207	120	327
70'	178	145	323
80'	269	-	269
90'	282	-	282
105'	178	-	178
1.0-Acre	106	83	189
TOTAL	1699	523	2222

RESIDENTIAL LOT WIDTH & SIZE TABLE	
MINIMUM LOT WIDTH AT FRONT SETBACK	MINIMUM LOT SIZE (SF)
35'	3600
40'	4000
45	4500
50	5000
60'	6000
70'	7000
80'	7500
90	8000
105'	10000
1.0-Acre	43560

The Development Agreement Concept Plan uses are as follows:

- Single-Family Dwelling, Detached;
- Garden Homes;
- Retail;
- Daycare;
- School;
- Amenity Centers and Parkland.

Other development regulations:

Anarene development will comply with:

1. Building Codes;
2. Sign Ordinance (through Master Sign Plan);
3. Lighting Ordinance from 2017 (stricter than current ordinance);
4. Landscaping Ordinance from 2015-6300.10;
5. Hilltop preservation (6 hilltops);
6. Exterior Design & Architectural Standards Ordinance for Commercial Development;
7. Listed Setbacks.

Parkland:

At its June 7, 2021, meeting, Parks and Recreation Commissioners unanimously approved the following items for the Anarene Development:

Approval of the Parkland Dedication for Anarene Project based on requested update to their Amended Development Agreement, with the following conditions:

- Application of a \$240,500.00 credit to the parkland development fee with a proposed credit for the public use trail (indicated as a solid purple line on the parkland dedication map); and
- The language for payout be designed so that it triggers when the additional lots are platted for the garden/patio homes and multifamily section, or when the number of platted dwelling units goes above 1,710, whichever comes sooner.

This motion approval included the developer paying the \$648/ additional lot over 1,710 residential lots for parkland development fees. The total residential lots allowed per this DA modification is 2,886. So, the delta of additional lots is 1,176 with a calculated parkland

development fee of \$762,048. Reduction of this amount by \$240,500 (for the trail credit mentioned above) brings the parkland development fee to \$521,548.

The updated agreement provides for the developer paying the \$648/ additional lot over 1,710 residential lots for parkland development fees. The total residential lots allowed per this DA modification is 2,472. So, the delta of additional lots is 762 with a calculated parkland development fee of \$493,776. Reduction of this amount by \$240,500 (for the trail credit mentioned above) brings the parkland development fee to \$253,276.

The Anarene Development has agreed to the following:

1. Developer shall not be required to submit park plans for each phase of development to the City's Parks and Recreation Commission if Developer develops Parkland in accordance with the attached.
2. The Developer agrees to work with the City to allow the City to construct public trail connections extending from the Trail to Dripping Springs Ranch Park and Rathgeber Natural Resource Park.
3. The Developer agrees to pay park fees in the amount of \$648 per residential unit for multi-family and for residential lots of 40' wide or smaller (the "Garden Home Product"). The Developer further agrees to pay park fees in the amount of \$648 per single-family residential unit (excluding Garden Home Product) that results in the number of platted single-family lots (excluding the Garden Home Product) within the Project exceeding 1,710 single-family residential units ("Additional Lots"). Provided, however, the City agrees to offset the amount of park fees otherwise owed under this Section 2.4 for Additional Lots by (i) the costs incurred by the Developer to construct the Trail or other trail facilities open to the general public except for the shared use path described in Section 3.17, and (ii) the dollar amount of any private contribution by Owner for any grant application for parks.
4. Park fees for multi-family, Garden Home Product and the Additional Lots shall be due and payable, in phases, to the City at the time multi-family, Garden Home Product and Additional Lots are platted or at time of final platting of a Phase which includes multi-family, Garden Home Product and Additional Lots, whichever comes first, based on the number of multi-family, Garden Home Product and Additional Lots included in the plat.
5. Developer shall preserve each of the six (6) hilltops. Building heights on such hills shall be limited to twenty (20) feet greater than the top of the corresponding hilltop; provided, however, nothing will prevent Developer from constructing water storage tanks on four (4) of the hills. Developer will endeavor to have the color of such tanks blend into the natural settings.

The parkland dedication and development fee agreements proposed by Anarene development align with the direction and motion approved by the Parks and Recreation Commission at their June 7, 2021, meeting.

Highlights:

1. 4 lane roadways within development to serve the development and the neighboring properties;
2. Oversized utility infrastructure;

- 3. Trails including a potential connection to Rathgeber Natural Resource Park;
- 4. Parkland in excess of Parkland Dedication Ordinance.

Evaluation:

According to Article 22.02.005, the Development Agreement shall be evaluated with respect to the following objectives:

Article 22.02.005	
a) Guarantee the continuation of the extraterritorial status of the land and its immunity from annexation by the city for a period not to exceed 15 years;	This is an amendment to an existing Amended Development Agreement. This Amendment extends the agreement by 20 years. Because of the size and complexity of this development, 15 years is an insufficient amount of time to complete the project. The Agreement allows for a 10 year extension by City Council.
b) Extend the city's planning authority over the land by providing for a development plan to be prepared by the landowner and approved by the municipality under which certain general uses and development of the land are authorized;	This Agreement provides for single family, multifamily, and commercial uses. It allows for a variety of single-family lot sizes of up to 2,444 single-family units. There will be 250 senior multi-family units. The commercial areas are required to comply with the City's Exterior Design & Architectural Standards Ordinance.
c) Authorize enforcement by the city of certain municipal land use and development regulations (e.g., zoning and building codes) in the same manner the regulations are enforced within the municipality's boundaries;	This project must follow the Hilltop Preservation, 2017 Lighting Ordinance, Building Code, and 2015 Landscaping Ordinance. Exterior Design & Architectural Standards have to be followed for the commercial section. It also will provide for a Master Sign Plan in the future. It also requires compliance with impervious cover and water quality buffer zones. This agreement includes language which allows City enforcement of these requirement.
d) Authorize enforcement by the city of land use and development regulations other than those that apply within the municipality's boundaries, as may be agreed to by the landowner and the municipality;	See subsection c above.
e) Provide for infrastructure for the land, including:(A) Streets and roads;(B) Street and road drainage;(C) Land drainage; and(D)Water, wastewater, and other utility systems;	This project will construct a major arterial that connects RM 12, Wild Ridge, and Big Sky Developments. It will also be constructing regional water and wastewater pipelines that will service it and assist with service to neighboring projects. The development will preserve existing natural drainageways by establishing Water Quality Buffer Zones along them per the City's water quality ordinance. The development will preserve Critical Environmental Features (CEFs) by providing a geologic assessment for the tract and establishing protective setbacks for any CEFs identified per the City's subdivision ordinance. The development will also protect existing natural drainageways and water quality by providing stormwater detention

and water quality facilities per City and TCEQ regulations.
f) Authorize enforcement of environmental regulations;
TCEQ, City Regulations, Water Quality Buffer Zones, and Lighting requirements must be followed.
g) Provide for the annexation of the land as a whole or in parts and provide for the terms of annexation, if annexation is agreed to by the parties;
Annexation is not anticipated.
h) Specify the uses and development of the land before and after annexation, if annexation is agreed to by the parties; or
Lot sizes for residential areas and uses for commercial areas have been determined.
i) (c)Factors to be considered by the city in approving an agreement include, but shall not be limited to: (1) Public benefits; (2) Adequate environmental protection; (3) Burden on the city's infrastructure; (4) Consistency with the city's comprehensive plan; (5) Conformance of the agreement with the intent and purposes of city regulations; and (6) Fiscal impact of the agreement and resulting development on the city.
The public benefits include roads, oversized utility lines, trails, and parkland. The environmental regulations of the City and State will be followed. This development

Commission Recommendations:	<p>The DAWG requested various road improvements for the 2,222 density which the developer agreed to in the Amended Development Agreement.</p> <p>The Transportation Committee recommended approval at the June 2021 meeting; and</p> <p>The Parks & Recreation Commission recommended approval at their June 7, 2021, meeting.</p>
Actions by Other Jurisdictions/Entities:	The TIA is still under review by the Texas Department of Transportation.
Previous Action:	No previous action taken.
Recommended Action:	Recommendation of Approval of the Amended Development Agreement as presented with minor landscaping clarification.

Alternatives/Options:	Recommendation of Disapproval of the Amended Development Agreement; Recommendation of Approval of the Amended Development Agreement with conditions deemed necessary by the Commission
Budget/Financial Impact:	The City will gain additional roads, trails, and various development fees.
Attachments:	<ul style="list-style-type: none"> - Agreement - Prior Agreements - Exhibits - Staff Report
Related Documents at City Hall:	
Public Notice Process:	Notice was published in the newspaper and letters were sent to neighbors within 300 feet.
Public Comments:	Comments were received in opposition to this project including concerns related to buffers between neighborhoods and tree preservation.
Enforcement Issues:	N/A
Comprehensive Plan Element:	N/A